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APPALACHIAN

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SCHOOL *of* LAW

2016 – 2017

Catalog & Student Handbook

# Appalachian School of Law

## 2016-2017 Catalog & Student Handbook

### (Effective September 1, 2016)

1169 Edgewater Drive, Grundy, VA 24614

276-935-4349

Toll-Free: 1-800-895-7411

FAX: 276-935-8261

Website: [www.asl.edu](http://www.asl.edu)

This catalog and handbook (hereafter catalog) is published by Appalachian School of Law (ASL) based on information as of September 2016, and contains information concerning campus life, career preparation, academic policies, and course offerings. Effective in 2016, the catalog moved to digital publication and will only be available on the website. ASL reserves the right to make alterations in course offerings and academic policies without prior notice in order to further the institution's purpose; however, an email will be sent to the faculty, staff, and student body using ASL listservs each time a substantive policy update is published to the website.

Information in this catalog is a guide and not an offer of a contract. It is not intended to, nor does it contain all policies and regulations that relate to students. Students are expected to familiarize themselves with the academic policies contained in the catalog. Failure to do so does not excuse students from the requirements and regulations described herein.

Appalachian School of Law admits students without regard to age, race, color, gender, gender identity, sexual orientation, disability, religion, political affiliation, veteran status, or national and ethnic origin to all the rights, privileges, programs, and activities generally accorded or made available to students at the school. It does not discriminate on the basis of age, race, color, gender, sexual orientation, disability, religion, political affiliation, veteran status or national and ethnic origin in administration of its educational policies, admissions policies, scholarship and loan programs, and/or other school administered programs. ASL is an AA/EEO Employer.

Before enrolling in law school, students should determine whether the state in which they intend to practice has special requirements for admission to the bar concerning pre-legal training, domicile, filing notice of intent to practice before entering law school, certification of character and fitness, appointment of a preceptor, law school curriculum, and the like. Students are responsible for ascertaining and meeting these requirements.

Appalachian School of Law is fully accredited by the Council of the Section of Legal Education and Admissions to the Bar ("Council") of the American Bar Association ("ABA"). The Council may be contacted through the ABA's Section of Legal Education and Admissions to the Bar, 321 North Clark Street, Chicago, Illinois 60654-7598; telephone (312) 988-6738.

Pursuant to §23-276.4(C) of the *Code of Virginia*, Appalachian School of Law is not required to obtain another certificate to operate from the State Council of Higher Education for Virginia (SCHEV) because it was established in the Commonwealth of Virginia and has maintained a main campus under the same ownership for 20 years and remained fully accredited by an accrediting body recognized by the U.S. Department of Education.

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# Chapter 1 General Information

## Mission

ASL exists to provide opportunity for people from Appalachia and beyond to realize their dreams of practicing law and bettering their communities. We attract a qualified, diverse and dedicated student body, many of whom will remain in the region after graduation and serve as legal counselors, advocates, judges, mediators, community leaders, and public officials. We offer a nationally recruited, diverse, and well-qualified faculty, a rigorous program for the professional training of lawyers and a comprehensive law library. The program emphasizes professional responsibility, dispute resolution, natural resources law and practice skills. The ASL community is an exciting, student-centered environment that emphasizes honesty, integrity, fairness, and respect for others. We also emphasize community service and provide a resource for people, the bar, courts and other institutions of the region.

(Adopted by the Board of Trustees, March 14, 2000)

(Amended by the Faculty on February 11, 2013)

(Adopted by the Board of Trustees, June, 2013)

Appalachian School of Law students, while largely representative of the region, come from throughout the nation and are both traditional and nontraditional with respect to age and prior careers. Their cultural, racial, ethnic, and economic diversity enriches and furthers the institution's educational mission.

## Pillars supporting ASL's Mission

- ASL is committed to creating lawyers who will serve traditionally underserved legal communities, especially rural communities.
- ASL is committed to training lawyers to with a solid foundation of doctrine and skills that allow them to pass the bar and practice law professionally in both rural and traditional legal settings.
- ASL is committed to providing an opportunity to become practicing attorneys to students who are members of demographic constituents who have traditionally been underrepresented in the legal profession, such as the people of Appalachia.
- ASL is committed to training lawyers resolve legal disputes efficiently while preserving communities and relationships wherever possible.

## History of Appalachian School of Law

In late 1993, Joseph E. Wolfe, a Norton, Virginia attorney, proposed to establish a law school in southwestern Virginia. Within six months, his proposal attracted the support of regional business executives, civic leaders, attorneys, and educators.

In late 1994, a Steering Committee formed that eventually grew to eighty members. This committee chartered ASL as a Virginia non-stock corporation, secured tax-exempt status from the Internal Revenue Service, and drafted ASL's preliminary mission statement. The Steering Committee also prepared a feasibility study for the new law school. Appalachian School of Law (ASL) was organized in 1994 as an independent not-for-profit educational institution located in the Town of Grundy, Virginia. Governed by a Board of Trustees, ASL provides a high quality program for the professional preparation of lawyers--the Juris Doctor or J.D. degree. ASL's general curriculum emphasizes dispute resolution, ethics, and professional responsibility. Students will gain insights into the time-honored role of the attorney as counselor and representative of the court who seeks balance between the interests of the client and those of the public and strives for fairness and justice.

In early May 1995, the State Council of Higher Education for Virginia approved establishment of ASL.

In April 1996 Buchanan County signed a compact with ASL, under the terms of which ASL received its main and library buildings and their grounds, funds for renovation of the buildings, and funds towards operating costs. Appalachian School of Law Regional Commission, a federal agency, also contributed funds to ASL's operating costs.

In April 1997, the Commonwealth of Virginia Council of Higher Education granted ASL authorization to enroll students in courses leading to the Juris Doctor (J.D.) degree. ASL held its first faculty meeting on August 8, 1997, and its first classes on August 12, 1997, with nine faculty members in residence and seventy-one students in attendance.

ASL Charter Class of 2000 graduated on May 12, 2000. On February 19, 2001, ASL received provisional approval from the American Bar Association. On June 12, 2006, ASL received full approval from the American Bar Association.

## ASL Governance

Appalachian School of Law is a Virginia-registered non-stock corporation. The powers, duties, and responsibilities of the governing Board of Trustees, Dean and Chief Operating Officer, and Faculty are contained in the Corporate Charter, Corporate By-laws, and Academic Standards, which are on file in the Law Library and available by mail upon request from the Office of the Dean. The identities of current trustees and employees can be found in Appendix A to the catalog.

## Philosophy & Faculty Accessibility

This relatively small law school maintains a learning environment centered on students. A nationally recruited, well-qualified, and diverse faculty has instruction as its primary commitment. Up-to-date computers, software, peripherals, and other electronic technology enhance the classrooms, seminars, moot court, offices, and other facilities. The law library, characterized by a comprehensive current and retrospective collection of physically present materials and other information accessible through microforms and computer-managed information bases, is readily available to students, faculty, and the public. Students and faculty also engage in scholarship and contribute to the community and profession through service activities.

The Board of Trustees has adopted the following Faculty Accessibility Policy: Appalachian School of Law is committed to its role as a professional school dedicated to training outstanding lawyers in a learning environment centered on students. Therefore, the school is committed to the ideal that faculty members are teachers both in the classroom and outside the classroom in less formal settings, such as student lounge areas and faculty offices.

Faculty members are expected to be on the school campus and accessible to students for the majority of the operating hours of the school during any semester in which they have course assignments. During other portions of the year, faculty members are expected to be accessible to the extent consistent with their other job performance expectations.

## Degrees Offered

In addition to the Juris Doctor, Appalachian School of Law confers the Juris Master degree after the completion of three semesters of study, if a student is in good standing.

## Facilities

ASL has a three-building campus located near the center of Grundy, Virginia. The award-winning classroom building contains 47,000 square feet and was extensively renovated for ASL in 1997. It is a two-story structure built around an open quadrangle and houses classrooms, faculty and staff offices, and space for student organizations. The classrooms include the Appellate Courtroom, the Trial Courtroom, and several smaller classrooms and seminar rooms. Most classrooms are wired for network access for laptop computers and have electrical outlets at each seat. In addition to wired network connections, the main classroom building and library have access to the Internet through a wireless network. The library collection is housed in the library building, which is adjacent to the classroom building. The third building houses a privately-operated restaurant.

## Law Library

The Library has a core collection of reporters and codes, law reviews, treatises, and legislative history materials in print and microfiche. Supplementing the traditional research tools are about a dozen online legal databases (including Westlaw and LexisNexis). The collection is enhanced by our Appalachian Collection, containing both fiction and nonfiction materials dealing with our local area. The librarians offer assistance in using the collection by providing ongoing training classes, one-on-one assistance, and printed research guides. The Library is a designated government depository, and also provides interlibrary loans to students and faculty when other materials are needed. The two-story building, built as an elementary school in 1951, provides space for the collection as well as study space in individual carrels, tables, and group study rooms. Students can access our wireless network from anywhere in the building; public access computers are also available throughout the Library.

## Law Library Hours

More information about the Library, including the hours of operation, can be found on our web page at <http://www.asl.edu/library>

## Academic Support

Appalachian School of Law's Academic Support program is an integral part of the school's commitment to provide all students the chance to succeed in law school.

The Academic Support program seeks to help students master those legal study skills necessary for success in law school, on the bar exam, and in legal practice. The program offers a range of programs for students prior to law school, for students at all levels of law school, and for graduating students preparing to take a bar examination.

The Academic Support program consists of several components, but the cornerstones of the program are the mandatory courses at the beginning and end of the student's matriculation at ASL. Before the beginning of first semester students complete an intensive one week Introduction to Law course that provides information about the structure of the U.S. Judicial system, basic skills to facilitate law school learning, and the basics of case reading and briefing. Additionally, all incoming students are required to take Strategies for Legal Success, a one-semester course during a their first semester, which helps students improve the essential skills needed to succeed in law school, including critical thinking, reading, and listening as well as effective case briefing, note taking, outlining, and exam writing. During their last semester, students take part in the Bar

Preparation Studies course, where they learn skills necessary for success on both the multiple choice and essay portions of the bar exam.

## Career Services

The Career Services Director counsels students and alumni regarding their career aspirations and, in conjunction with ASL's Writing Specialist, advises students on resume and cover letter preparation. The Director further assists students with job searches, arranges on-campus interviewing, facilitates student attendance at job fairs, coordinates applications for judicial clerkships, and provides programming regarding various career-related topics. The Director also organizes resume collections for potential employers who are unable to recruit on campus.

## Student Grievances, Generally

The Board of Trustees has adopted the following Grievance Policy:

A person with a grievance against students, employees, volunteers, or other visitors or participants in Law School sponsored programs or activities regarding any matter at the School not governed by the Academic Standards, including, for example, treatment by a faculty or staff member or another student, harassment, discrimination, retaliation for filing a grievance, etc., shall make that grievance known in writing to the Grievance Coordinator. Grievances not in writing, anonymous, or filed by third parties will be investigated to the fullest extent possible.

1. The Grievance Coordinator shall investigate the grievance. The Grievance Coordinator may obtain assistance with this responsibility from other appropriate persons who are not connected to the grievance.
2. The Grievance Coordinator and any other appropriate persons involved in the investigation of the grievance will attempt to preserve all parties' anonymity throughout the investigation.
3. The Grievance Coordinator may impose interim measures for the pendency of the investigation when there is a need to protect the person filing the grievance from further contact with the person the grievance was filed against. These may include, but are not limited to, temporary suspensions, or agreements of no contact. If these measures are imposed and subsequent positive resolution of the grievance occurs, ASL may take the following reasonable steps such as reinstatement, reassignment, promotion, training, back pay, or reinstatement of other benefits as necessary.
4. Within three weeks of receiving the grievance, the Grievance Coordinator shall make an initial resolution of the grievance and will inform the parties of this resolution. The initial resolution will consist of a determination of fact, determination of the merits of the allegation, imposition of sanctions (if appropriate), and any other appropriate information regarding the investigation. The three week timeline may be extended by ASL if all parties are provided written notice to his or her address of record.
5. Possible sanctions include but are not limited to:
  - (a) Students: warning, fines, educational projects, additional community service, counseling, no contact order, disciplinary probation, disciplinary suspension, administrative hold, and expulsion.
  - (b) Employee: suspension with or without pay, counseling, or motion for appropriate termination.



- (c) Non-Law School Employees or Non-Law School Students will be sanctioned to the maximum extent possible.

6. If any party involved is unsatisfied with the Grievance Coordinator's initial resolution of the grievance, he or she may request that the Grievance Coordinator hold a hearing on the grievance within 10 working days of the initial resolution.

7. If a hearing is held, the following procedural rules shall apply:

- (a) The hearing shall be held within 10 working days of the request for the hearing. The 10 day timeline may be extended by ASL if all parties are provided written notice to his or her address of record.
- (b) The Associate Dean for academic affairs shall preside over the hearing
- (c) The two parties to the hearing are:
  - i. ASL representative stating the position of the grievance or a designee as appropriate; and
  - ii. The person the grievance was brought against, the accused.

(d) All parties may choose one counselor to attend the hearing with that party at the party's own expense. In the event that a counselor disrupts the proceedings he or she shall be removed from the hearing.

(e) The order of the hearing shall be:

- i. Reading of the grievance.
- ii. A statement by ASL representative or designee.
- iii. A statement by the accused or designee.
- iv. Presentation of evidence and witnesses by both parties
- v. The Associate Dean may also call witnesses at this time.
- vi. Closing statement of ASL representative or designee.
- vii. Reply to the charges by the accused or designee

(f) ASL shall bear the initial burden of producing evidence and shall bear the burden of persuasion. The standard of proof applied shall be the preponderance of the evidence.

(g) A record of the hearing shall be created.

8. Upon completion of the hearing, the Associate Dean shall make a decision in writing on the validity of the grievance and the appropriate institutional response thereto, if any, within 45 calendar days. The 45 day timeline may be extended by ASL if all parties are provided written notice to his or her address of record. Absent an appeal to the Dean, the decision of the Associate Dean is final.

9. Any party, if not satisfied with the decision of the Associate Dean, may appeal that decision in writing to the Dean provided that notice of appeal is received by the Dean within ten working days. The Dean shall review

the record of the proceeding before the Associate Dean, and conduct further investigations as are deemed appropriate. The Dean shall consider all information to ensure the outcome provided for fundamental fairness and take one of the following actions: concur with sanctions, reduce or rescind the sanction, or resubmit the grievance to the Associate Dean with appropriate instructions. The decision of the Dean shall be final and shall be rendered in writing within 45 calendar days of the student appeal. The 45 day timeline may be extended by ASL if all parties are provided written notice to his or her address of record.

10. The records of all grievances, all grievance hearings, and all final decisions on grievances will be kept by the Dean, Associate Dean, or their designee for a period of not less than five years, and these records will be available to other people only with the express and specific approval of the Associate Dean, or the Dean.

11. If the Grievance Coordinator is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the Associate Dean shall appoint a faculty member to perform the role of the Grievance Coordinator in the grievance process.

12. If the Associate Dean is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the Dean shall appoint a tenured faculty member to perform the role of the Associate Dean in the grievance process.

13. If the Dean is a party to the grievance or in some other way is not capable of making a fair and impartial judgment on the grievance, the chairman of the Board of Trustees or his designee from among the members of the Board of Trustees shall perform the role of the Dean in this grievance process.

14. The procedure outlined in this Grievance Policy shall not apply to grievances concerning grades, sexual misconduct, or violation of ABA Standards for the Approval of Law Schools. Any grievance concerning a grade shall be governed by the appropriate provisions of the Academic Standards and Policies. Any grievance arising from sexual misconduct shall be governed by the appropriate provisions of the "Title IX/Sexual Misconduct Policy." Any grievance concerning violations of the ABA Standards for the Approval of Law Schools shall be governed by the appropriate provisions of "Student Grievances, Violations of ABA Standards."

15. No student shall be subjected to unfair action as a result of filing a grievance under this policy.

16. Clery Act: ASL is in compliance with federal legislation known as the "Clery Act." The legislation requires institutions to make available to prospective students, currently enrolled students, and interested parties information about campus safety policies and procedures, established safety programs, and statistics concerning crimes that have taken place on campus.

Consistent with its emphasis on alternative dispute resolution, ASL encourages the informal resolution of any student grievances that are not subject to Title IX or grievances dealing with noncompliance with ABA Standards.

## Student Grievances, Sexual Misconduct

See Appendix C: Title IX/Sexual Misconduct Policy

## Student Grievances, Violations of ABA Standards

Appalachian School of Law is an ABA-accredited law school. It is therefore subject to the American Bar Association Standards for Approval of Law Schools, available at [www.americanbar.org/groups/legal\\_education/resources/standards.html](http://www.americanbar.org/groups/legal_education/resources/standards.html). If a student has concerns regarding the Law School's program of legal education and its compliance with the ABA standards, the student may file a complaint pursuant to ABA Standard 510. A "complaint" is a written communication that "seeks to bring to the attention of the law school a significant problem that directly implicates the school's program of legal education and its compliance with the standards." Grievances that arise from sexual

misconduct or other conduct that is not a violation of the ABA Standards shall be governed by the relevant grievance policy contained elsewhere in the catalog.

### Procedure for Making a Formal Complaint Pursuant to ABA Standard 510:

1. Submit the complaint in writing via e-mail to the Associate Dean of Academic Affairs with a copy to the Grievance Coordinator. The current position holders can be found on the website directory or Appendix A to the catalog and handbook.
2. The writing should describe in detail the behavior, incident, program, or process that is the basis of the complaint and explain how it implicates the Law School's compliance with a particular Standard. The number of the Standard at issue should be specified.
3. The writing must include the student's name, mailing address, phone number, and official school e-mail address.

### Procedure for Addressing a Formal Complaint Pursuant to ABA Standard 510:

1. The Associate Dean for Academic Affairs or Grievance Coordinator shall acknowledge the complaint within ten business days of receipt of the written complaint or as soon as is reasonably possible under the circumstances. Acknowledgment will be via e-mail to the student's official ASL address.
2. Within thirty business days of acknowledgement of the complaint, the Associate Dean or a designee shall either meet with the complaining student or respond to the substance of the complaint via e-mail. The student will receive:
  - a. Notification of the resolution of the complaint; or
  - b. Notification that no corrective action is planned, with the reason why; or
  - c. Information about what steps are being taken to investigate the complaint.
3. Once the student has been notified regarding (a) the resolution of the complaint or that (b) no corrective action is planned, the matter is closed.
4. If the student is advised under (c) of the steps that are being taken to investigate the complaint, then the student will be notified of the resolution of the complaint once the matter is resolved. This will close the matter.
5. Any party, if not satisfied with the decision of the Associate Dean, may appeal that decision in writing to the Dean provided that notice of appeal is received by the Dean within ten working days. The Dean shall review the record of the proceeding before the Associate Dean, and conduct further investigations as are deemed appropriate. The Dean shall consider all information to ensure the outcome provided for fundamental fairness and take one of the following actions: concur with sanctions, reduce or rescind the sanction, or resubmit the grievance to the Associate Dean with appropriate instructions. The decision of the Dean shall be final and shall be rendered in writing within 45 calendar days of the student appeal. The 45 day timeline may be extended by ASL if all parties are provided written notice to his or her address of record.
6. A copy of the complaint and a writing showing the resolution of the complaint shall be kept in the Dean's Office for a period of eight years.

### Students' Rights, Privileges, and Responsibilities:

#### Notification of Rights under FERPA

The Family Educational Rights and Privacy Act (FERPA) afford students certain rights with respect to their education records. These rights include:

- (1) The right to inspect and review the student's education records within 45 days of the day Appalachian School of Law (ASL) receives a request for access.

A student should submit to the Registrar, Registrar, Dean, or other appropriate official, a written request that identifies the record(s) the student wishes to inspect. The ASL official will make arrangements for access and notify the student of the time and place where the records may be inspected. If the records are not

maintained by the ASL official to whom the request was submitted, that official shall advise the student of the correct official to whom the request should be addressed.

(2) The right to request the amendment of the student's education records that the student believes is inaccurate, misleading, or otherwise in violation of the student's privacy rights under FERPA.

A student who wishes to ask ASL to amend a record should write the ASL official responsible for the record, clearly identify the part of the record the student wants changed, and specify why it should be changed.

If ASL decides not to amend the record as requested, ASL will notify the student in writing of the decision and the student's right to a hearing regarding the request for amendment. Additional information regarding the hearing procedures will be provided to the student when notified of the right to a hearing.

(3) The right to provide written consent before ASL discloses personally identifiable information from the student's education records, except to the extent that FERPA authorizes disclosure without consent.

ASL discloses education records without a student's prior written consent under the FERPA exception for disclosure to school officials with legitimate educational interests. A school official is a person employed by ASL in an administrative, supervisory, academic or research, or support staff position (including security personnel); a person or company with whom ASL has contracted as its agent to provide a service instead of using ASL employees or officials (such as an attorney, auditor, or collection agent); a person serving on the Board of Trustees; or a student serving on an official committee, such as a disciplinary or grievance committee, or assisting another school official in performing his or her tasks.

A school official has a legitimate educational interest if the official needs to review an education record in order to fulfill his or her professional responsibilities for ASL. Upon request, ASL also may disclose education records without consent to officials of another school in which a student seeks or intends to enroll.

(4) The right to file a complaint with the U.S. Department of Education concerning alleged failures by ASL to comply with the requirements of FERPA. The name and address of the Office that administers FERPA is:

Family Policy Compliance Office  
U.S. Department of Education  
400 Maryland Avenue, SW  
Washington, DC 20202-5901

The Family Educational Rights and Privacy Act (FERPA), a Federal law, requires that Appalachian School of Law ("ASL"), with certain exceptions, obtain your written consent prior to the disclosure of personally identifiable information from your education records. However, ASL may disclose appropriately designated "directory information" without written consent, unless you have advised ASL to the contrary in writing. The primary purpose of directory information is to allow ASL to include this type of information from your education records in certain law school publications and employment inquiries such as pre-employment attendance and graduation verifications. Examples include, but are not limited to :

- Dean's List or other recognition lists;
- Graduation programs; and
- Attendance and graduation verifications from prospective employers.

Directory information, which is information that is generally not considered harmful or an invasion of privacy if released, can also be disclosed to outside organizations without your prior written consent. Outside organizations include, but are not limited to, newspapers and other media publishing press release information about honors, awards, ASL activities, and graduation.

If you do not want ASL to disclose directory information from your education records without your prior written consent, you must notify the Director of Reporting, Student Records, and Regulatory Compliance and Registrar in writing by November 1 of each academic year. ASL has designated the following information as directory information:

- Student's name
- Student's Hometown
- Participation in officially recognized activities
- Photograph
- Degrees, honors, and awards received
- Dates of attendance

The most recent educational agency or institution attended

## Policy Against Discrimination

Law School policy prohibits discrimination on the basis of age, race, color, gender, gender identity, sexual orientation, disability, religion, political affiliation, veteran status, or national and ethnic origin. This policy extends to all rights, privileges, programs, and activities, including admissions, employment, and financial assistance, as is required by law, including Title IX of the Educational Amendments of 1972, Section 504 of the Rehabilitation Act of 1973, the Vietnam Era Veterans Readjustment Assistance Act of 1974, and the Americans With Disabilities Act of 1990, and regulations there under.

## Lawyers are a self-regulating profession

ASL subscribes to the philosophy that the integrity of our legal system relies upon the integrity of our country's lawyers. As future lawyers, it is imperative that our students adhere to the highest standards of ethics. Students, therefore, are subject to the standards promulgated in the Code of Academic Conduct in the Academic Standards and Policies. In addition, attendance in class is critical to learning the material and developing the skills taught at ASL. ASL adheres to a rigorous mandatory attendance policy, under which students who miss more than a specified number of class meetings receive a failing grade for the course. The precise details of the attendance policy are in the Academic Standards and Policies.

ASL's application requires disclosure of information relating to character and fitness. The applicant signs to acknowledge that the information is complete and accurate. During Introduction to Law, students are expressly reminded that the character and fitness representations will be disclosed by ASL to Bar Examiners, and that non-disclosure to ASL as part of the initial application may be treated by Bar Examiners as a separate fitness issue. Since the serious nature of the application inquiries may be different than the experience and expectations of some students, a period of time after the Introduction to Law discussion is provided for amendments to the ASL application. ASL reserves the right to review those amendatory disclosures to determine whether continued attendance at ASL will be appropriate. In order to fulfill the purpose of those disclosures from ASL's perspective, the following policies concerning disclosure are implemented:

1. Disclosures made through amendment to the application prior to December 1 of the first 1L semester will be considered by the Associate Dean for Academic Affairs and, if accepted, will be attached to the application.

2. All amendments made after December 1 of the first 1L semester will be clearly dated, and the date will be noted in any subsequent disclosure made by ASL to any state Bar Examiners.

3. Except as provided in 4 below, no amendments to ASL applications will be considered after June 1 following completion of the 2L year (that is, June 1 prior to commencement of the 3L year).

4. Disclosure of events relating to character and fitness (responsive to the ASL application) which occur during attendance at ASL is subject to an on-going obligation of the student. Therefore, amendments after June 1 following the 2L year for such events occurring after June 1 will be considered by the Associate Dean.

## Alcohol & Drug Policy

It is the policy of Appalachian School of Law to provide a drug-free, healthful, safe, and secure work and educational environment. Employees and students are required and expected to report to their class or student activities in appropriate mental and physical condition to meet the requirements and expectations of their respective roles.

Appalachian School of Law prohibits the unlawful manufacture, distribution, dispensation, possession, or use of narcotics, drugs, other controlled substances, or alcohol at the workplace and in the educational setting. Unlawful for these purposes means in violation of federal/state/local regulations, policy, procedures, and rules, as well as legal statutes. Workplace means either on Law School premises or while conducting Law School business away from ASL premises. Educational setting includes both institutional premises and approved educational sites off campus.

In order to prevent the consequences of alcohol and other drug abuse at the workplace and in the educational setting, Appalachian School of Law has implemented this policy to ensure a drug-free work and educational environment.

Appalachian School of Law recognizes that chemical dependency through use of controlled or uncontrolled substances, including alcohol, is a treatable illness. ASL supports and recommends employee and student rehabilitation and assistance programs and encourages employees and students to use such programs.

ASL will also implement drug-free awareness programs for employees and students. Such programs will annually ensure that employees and students are aware that:

Alcohol and other drug abuse at the workplace and in the educational setting is dangerous because it leads to physical impairment, loss of judgment, safety violations and the risk of injury, poor health, or even death.

Alcohol and other drug abuse can also significantly lower performance on the job and in the classroom, thus impacting on ASL and its mission as well as seriously affecting the student's educational and career goals.

Employees must report any personal conviction under a criminal drug statute for conduct at the workplace to their personnel officer within five days.

It is a condition of employment and admission that all employees and students must abide by the policy on alcohol and other drug use as well as related procedures, statements, laws, and guidelines. Violation of any provision may result in disciplinary action up to and including termination or expulsion, and may have further legal consequences consistent with federal and state laws and regulations. In addition, management may require an employee or student to enter an employee/student assistance or drug rehabilitation program as a condition of employment or enrollment.

Use of Employee Assistance Programs (EAP), Student Assistance Programs (SAP), or drug/alcohol rehabilitation services is encouraged.

## Disability policy and definitions

Appalachian School of Law does not discriminate against individuals with disabilities in its program of legal education, as those disabilities are defined in Section 504 of the Rehabilitation Act of 1973, 29 U.S.C. §706; 45 C.F.R. §84.3(k)(3); and the Americans with Disabilities Act, 42 U.S.C. §§ 12101, et. seq. In an effort to provide full opportunities to individuals with disabilities, ASL offers individualization and reasonable accommodation, as required by law. Reasonable accommodations are those that do not fundamentally alter the nature of ASL's educational program and can be provided without undue financial or administrative burden, and without lowering academic and other essential performance standards. In the past, ASL's students have included those with physical, visual, and learning disabilities. As used in this context, the terms "disability," "individual with a disability," and derivations thereof are defined as those terms in 29 U.S.C. § 706 and 42 U.S.C. § 12102. The terms "accommodation" and "adjustment" are used interchangeably to mean the steps necessary to comply in the academic program with Title III of the Americans with Disabilities Act, 29 U.S.C. § 794 (commonly known as Section 504 of the Rehabilitation Act), and other relevant legal obligations with respect to individuals with disabilities.

Students who wish to request an accommodation should contact the Associate Dean, who is ASL's Section 504 coordinator for students. The procedures for requesting academic accommodations are set forth in the Academic Standards. A copy of the Academic Standards is given to each student upon matriculation at ASL, and copies of the current version of the Academic Standards also may be found on ASL's website ([www.asl.edu](http://www.asl.edu)) and the reserve desk in ASL's library. Individuals who believe they have been discriminated against on the basis of a disability may file a complaint under ASL's Grievance Policy. The Grievance Policy is found in this catalog, which is available to all students via the website.

## Accommodations for students with disabilities

Students with a documented disability may be entitled to accommodations to facilitate exam-taking and classroom learning. Students needing special accommodations should fill out a request form (available on ASL's website, in the registrar's office, and in the Associate Dean of Academic Affairs office) and provide the necessary supporting documentation for the request at least 30 days before the requested effective date of accommodations. The Associate Dean will forward the request to the Academic Accommodations Committee for review and determination pursuant to the policies and procedures set out in the section entitled "Academic Accommodations Committee" of the Academic Standards.

Accommodations for temporary disabilities or emergency accommodations must be requested each semester in which they are required. The request for emergency accommodations and supporting documentation should be submitted to the Associate Dean of Academic Affairs as soon as reasonably possible after the need for accommodation arises. Keep in mind that the process of considering documentation and developing appropriate accommodations will take a minimum of 48 hours.

## Confidentiality

It is the policy of Appalachian School of Law to preserve the privacy of a person seeking or receiving an accommodation or adjustment because of their disability. The Committee shall keep confidential the fact, content, and outcome of its proceedings, except insofar as it is necessary to engage consultants, implement any accommodation or allow the Dean to rule upon any appeal. Any person, including the members of the faculty, staff or administration of this school, who shall participate in any manner in any such proceeding shall similarly maintain confidentiality.

## Consultant

The Committee may engage the services of such consultant or consultants as are necessary to make an informed decision upon each initial application, or application for modification, or termination thereof. The Law School shall make such funds available as are necessary to allow the Committee to engage necessary consultants. In the event that such consultations are needed by other persons or entities within the law school—including, but not limited to, the Admissions Committee—the Committee shall work with that person or entity in order to facilitate the pooling of consulting resources.

## Jurisdiction

The Academic Accommodations Committee has jurisdiction over all matters relating to adjusting, accommodating, and otherwise making accessible the academic program to students with disabilities, including, but not limited to, accommodations with regard to examinations and classroom learning.

## Standard

The Committee shall comply with the Americans with Disabilities Act and all other relevant legal obligations. In deciding what are reasonable modifications the Committee shall consider the nature of the disability, the nature of the task, the demands of sound andragogy (including the need to develop an accommodation that does not give an applicant an unfair advantage).

## Self-Identification of Disability

In the letter confirming a student's seat deposit, information about the school's policy of providing reasonable modification in the academic program shall be provided. A second letter shall be provided at the conclusion of the orientation period to each member of the incoming class. These letters shall invite disabled students to respond to the Associate Dean for Academic Affairs or his or her designee with any relevant information regarding their disability, including the nature of the disability and supporting documentation. The Committee or Associate Dean may develop or revise forms to assist with the collection and consideration of information regarding the fact and extent of disability and the types of accommodations that may be appropriate to the reported disability.

The Associate Dean for Academic Affairs will be responsible for circulating all information so received to the other members of the Committee in a timely fashion.

## Applying for accommodations or modification to accommodations

The Committee shall entertain applications from students who believe themselves to be individuals with disabilities and who request an accommodation in the academic program. The Committee shall consider medical and other documentation of the fact and extent of disability and as to the need to adjust the academic program. The initial burden to provide such documentation rests with the applicant; forms are available (on ASL's website, in the registrar's office, and the office of the Associate Dean of Academic Affairs) to help an applicant collect and provide the necessary documentation. The Committee shall make its determination on the basis of the information presented by the applicant, and any other information that comes to its attention. In the event that significant information comes to the attention of the Committee that was not submitted by the applicant, the Committee shall share that information with the applicant and allow comment thereon.



## Accommodations

### Non-examination accommodations

The Associate Dean for Academic Affairs or his or her designee, shall make the initial decision as to accommodations to the classroom learning within the first five days of classes in a regular term or the receipt of the application if after the start of term; and s/he shall notify the full Committee of any such decision. These accommodations include, but are not limited to, measures such as the provision of note-takers, readers or interpreters. A student who is dissatisfied with any non-examination accommodations so arranged may appeal to the full Committee. In all cases, the Committee retains plenary authority to terminate or modify any such accommodation.

### Examination accommodations

A student desiring an examination accommodation must make this request and provide supporting documentation to the Associate Dean for Academic Affairs at least 30 days prior to the commencement of the examination period. The Associate Dean for Academic Affairs or the full Committee may excuse late submissions at their sole discretion. The applicant may discuss the matter with the Associate Dean for Academic Affairs. The Associate Dean for Academic Affairs shall submit all documentation to the Committee. The Committee shall notify the applicant of its decision.

### Consultation with faculty member

In determining whether an accommodation is reasonable under the circumstances, the Associate Dean for Academic Affairs and/or the Committee shall consult with any affected faculty member who wishes to be consulted. In all circumstances, the confidentiality of the student requesting a modification shall be preserved.

### Duration of Accommodations

Even though there is a presumption that an accommodation package will be renewed, the student is responsible for completing a recertification form for every term in which the student enrolls and would like to receive accommodations so that the suitability of existing accommodations to the scheduled classes can be evaluated by the committee. The Committee may decide to terminate or modify any accommodation. The reasons for the Committee's decision to terminate or modify the accommodation or accommodations may include, but are not limited to, a substantial change in the applicant's disability profile or the applicant's involvement in an academic activity for which the previously determined accommodation or accommodations are unsuited. The Committee's decision to modify or terminate any accommodation may be made on either the applicant's or the Committee's motion, but if made on the Committee's motion the Committee shall allow the applicant to comment on the proposed modification or termination.

### Reconsideration and Appeal

An applicant may request reconsideration once as of right of any determination by the Committee relative to the applicant. An aggrieved applicant may appeal any Committee determination relative to the applicant to the Dean. The Dean shall not consider any appeal unless the substance of the appeal has first been presented to the Committee upon motion for reconsideration. On appeal, the Dean may set aside, modify, or remand the Committee's determination if the Dean finds that the Committee has made an error of law, clearly erred with regard to a factual matter, or abused its discretion in the selection of an accommodation. If the Dean decides on appeal to affirm the Committee's determination, the Dean need not explain the reasons therefore. If the Dean's decision on appeal is other than a complete affirmance of the Committee's determination, the Dean shall explain in writing the reasons therefore.

## Chapter 2 Admissions – Juris Doctor Program

### Policy

General policy regarding qualifications needed for students seeking admission to ASL is set by the faculty, with individual admission decisions made by the faculty Admissions Committee. ASL accepts for admission those students who will benefit from a challenging curriculum in a professional environment. Admission decisions are not based on a single criterion; rather, each item will be considered in relation to the applicant's total qualifications. In addition to the undergraduate transcripts and Law School Admissions Test (LSAT) score, other considerations include an applicant's graduate work, character, work history, professional promise, personal commitment, recommendations, life experience, and other non-academic achievements.

ASL does not discriminate in admissions decisions on the basis of age, race, color, gender, gender identification, sexual orientation, disability, religion, political affiliation, veteran status, or national and ethnic origin. ASL is committed to providing full opportunities for the study of law and entry into the legal profession by qualified members of groups that have been victims of discrimination in various forms. To this end, the potential of applicants from these groups is of special concern in the individualized admissions process. ASL encourages qualified women and minorities, people with disabilities, and people who have overcome significant disadvantages to apply for admission. Applicants are free to disclose in the application or their personal statements information concerning their gender, race, disability, or past disadvantages if they wish the Admissions Committee to consider that information as a factor.

The Appalachian School of Law confers the Juris Master degree after the completion of three semesters of study, if a student is in good standing.

### Eligibility for Admissions

ASL requires a bachelor's degree from an accredited institution, an LSAT score, two letters of recommendation, a personal statement, and any posted application fee. Appalachian School of Law accepts application fee payments processed through ASL Admissions Council.

All applicants are required to subscribe to ASL Admissions Council Credential Assembly Service (CAS). All documents received by ASL in connection with such applications for admission become the property of The Appalachian School of Law. Under no circumstance will they be duplicated, returned to the applicant, or forwarded to any agency, college, or university.

The Appalachian School of Law applicants must be United States citizens or individuals who are considered permanent legal residents. The Appalachian School of Law is not authorized by the Department of Homeland Security US Citizenship and Immigration Services to issue I-20 documents required to obtain the F-1 student visa.

### Application & Admissions Procedure

All applicants must submit an ASL application form. The ASL Admissions Staff will request a copy of the applicant's Credential Assembly Service (CAS) report that should include two letters of recommendation. In addition, applicants may submit up to two additional letters specific to their application to ASL if they so choose to the Office of Admissions, The Appalachian School of Law, 1169 Edgewater Drive, Grundy, VA 24614.

First-year students are admitted in the Fall and Spring Semesters. Students starting in the spring semester take a reduced course load in their first semester. Admissions are made on a rolling basis as applications are received. The Admissions Committee accepts, rejects, or places the application on hold for later review. Most applicants can expect to receive an admissions decision shortly after ASL receives all of the application

material. In the case of applicants who are completing their undergraduate degree at the time of application, admission to ASL will be conditioned on proof of a conferred bachelor's degree.

While ASL has no formal application deadline, applicants who desire full consideration for acceptance to the Fall entering class should complete the application process by June 1, with June LSAT scores to follow, if applicable. Applicants who desire full consideration for acceptance to the Spring entering class should complete the application process by November 1, with December LSAT scores to follow, if applicable.

## Seat Deposit

Admitted students will receive a letter informing them of acceptance and requesting that a \$200 seat deposit be submitted to ASL within a specified time. A second seat deposit of \$300 is due June 1 for Fall entering students. The seat deposit is credited toward the applicant's first semester tuition and/or fees. Admitted applicants who are awarded full-tuition scholarships are still required to submit seat deposits to reserve a seat in the incoming first-year class. Because an accepted student is not guaranteed a place in the entering class until the student's seat deposit has been received and accepted by ASL, students who have been accepted for admission should submit their seat deposits as soon as possible. Seat deposits are not refundable.

## Deferrals

Deferrals of admission are rarely granted, but considered by the Admissions Committee on a case-by-case basis.

## Transfer Students

ASL may accept transfer students from ABA-approved or state-approved law schools in accordance to ABA Standard 505 upon demonstration that the student would have qualified for entrance into the School as a first year student and the student either is or was a student in good standing at the prior law school.

## Submission of Transcripts

American Bar Association rules require students to submit official transcripts for all work undertaken at other higher education institutions either before the admitted student registers at ASL or within a reasonable time thereafter. Students who fail to submit the required transcripts to ASL may be administratively withdrawn from courses, barred from taking exams, or have their grades withheld. In addition, the Financial Aid Office will not disburse federal funds until receipt of a bachelor's degree is confirmed by receipt of an official degree-granting transcript.

## Chapter 3 Tuition and Fees

The tuition and fees for students entering ASL in the 2016-2017 academic year are listed below. Tuition is guaranteed not to increase during the three years as long as the student maintains uninterrupted enrollment. A withdrawal or leave will result in a change of tuition to the new current tuition rate upon the student's return. Each applicant's seat deposits are credited toward the first semester's tuition.

Tuition	\$31,000.00	(\$15,500 per semester)
Activity Fee	\$325.00	(\$162.50 per semester)
Laptop Computer	Market Price	(an optional one-time expense – up to \$1,500)
Summer Externship Fee	\$200.00	(payable Spring Semester of first year)
Part-time tuition rate of	\$990.00	(per credit hour/requires approval from Dean's office)
Summer/Intersession courses	\$1,000.00	(per credit hour)
Visitor administrative fee	\$1,000.00	(upon commencement of visit)
Transcripts	\$0.00	(current students and alumni for employment or bar applications)
Transcripts	\$5.00	(former students and non-employment or bar application purposes)
Transfer package fee	\$25.00	(per school application)
Expedited shipping	\$20.00	If expedited shipping is requested for any of the above transcript requests, the expedited shipping charge is required.
Graduation Fee	\$100.00	(payable Spring semester of Third year)

### Withdrawal from Classes and Refund of Tuition

Students who voluntarily withdraw from the School are responsible for paying all assessed tuition and fees due for that semester. For purposes of determining the amount of tuition owed by a withdrawing student, ASL follows the method described by the federal Return of Title IV Funds regulations to calculate the percentage of the academic term completed. The amount of tuition owed by a student will be assessed based upon the percentage of time the student spent in academic attendance. For the purposes of this policy, the Introduction to Law class is included in the definition of semester for first-year students. This policy will apply to all students regardless of whether the student received Title IV funds. Student fees are not refundable.

Up through the 60% point in each period of enrollment, a pro rata schedule will be used to determine the amount of tuition the student owes at the time of withdrawal. After the 60% point in the period of enrollment, a student owes 100% of the tuition for that semester.

Because the amount of tuition owed depends on the number of calendar days of the academic term completed by the withdrawing student, any student contemplating withdrawal should contact the Financial Aid Office for a calculation of tuition and fees owed as of the student's intended withdrawal date.

Withdrawal forms are available from the Registrar's Office. Withdrawal is effective only upon completion of ASL's withdrawal form, approval of that form by the Dean or his or her designee, and payment of all tuition or fees owed to ASL. ASL will refund any tuition paid by the student prior to withdrawal that exceeds the amount for which the student is responsible to the student at the address provided to ASL by the student within three weeks of the date of withdrawal. However, if ASL is obligated under the terms of a student's loan program to remit the excess tuition to a lender or other appropriate agency, ASL will do so.

An interruption in enrollment will permanently deactivate all scholarship awards.

## Financial Assistance

A legal education is a major investment of time and money. All potential students should plan early during the application process and consider carefully, before entering, the costs and obligations of a legal education. The first step in the financial aid process is the completion of a FAFSA.

Although some assistance is available, students and their families are expected to make every reasonable effort to contribute through their own resources. The importance of responsible borrowing cannot be stressed enough. Students who borrow conservatively will find more flexibility in their future legal employment options. Counseling on student budgeting and financing options is available from the Financial Aid Office. Prior to graduation or in the event that the student leaves law school, a student must complete exit counseling <https://www.studentloans.gov> before the end of the final semester or academic year. Federal regulations state that Appalachian School of Law is responsible for ensuring that all students who receive Federal Financial Aid while enrolled at ASL complete exit counseling.

## Loans

Appalachian School of Law participates in the William D. Ford Federal Direct Loan (Direct Loan) Program beginning July 1, 2010. Students who previously received loans through the Federal Family Education Loan (FFEL) Program will now borrow through the Direct Loan Program. Instead of a bank lending the money, the U.S. Department of Education lends the money directly to students through the student's school. Students should complete a Free Application for Federal Student Aid (FAFSA) at <http://www.fafsa.ed.gov>. A Federal Student Aid ID is required to complete the FAFSA. Federal Student Aid ID may be obtained at <https://fsaid.ed.gov/>. First-Time Student Loan Borrowers must complete a Direct Loan Master Promissory Note (MPN) and complete Direct Loan Entrance Counseling. To complete a Direct Loan MPN electronically, the student must have a Federal Student Aid ID. The Federal Student Aid ID is the same ID used to complete the Free Application for Federal Student Aid (FAFSA). Direct Loan Entrance Counseling and Direct Loan Master Promissory notes must be completed electronically via the StudentLoans.gov Web site at <https://www.studentloans.gov>. For additional information, contact the Financial Aid Office at 800-895-7411, ext. 1211.

## Merit Scholarships

Appalachian School of Law is committed to recognizing the outstanding scholastic achievements of its entering students. The School therefore has established several levels of academic scholarships. Prospective students should contact the Financial Aid Office or check ASL's website to determine the current eligibility criteria for these scholarships. The School will endeavor to make these awards to all applicants who meet these eligibility criteria. However, prospective students are encouraged to complete their applications and submit their seat deposits as soon as possible in the event that the scholarships become oversubscribed.

## Other Scholarships

ASL annually allocates monies for scholarships that are either need- or merit-based. For the 2015-2016 academic year, ASL has set aside over one million dollars in scholarship money. In addition to the Merit Scholarship program described above, Appalachian School of Law Scholars and the Buchanan County Scholarship funds provide for awards that can range up to one half of tuition. Awards are given for one academic year and may be renewed, depending on need and academic performance. Appalachian School of Law Scholars are chosen by the Dean based on demonstrated financial need and either entering credentials or performance at ASL (for upper-level students). Buchanan County Scholarships are granted by the Buchanan County Board of Supervisors based on demonstrated financial need, entering credentials or performance, and place of permanent residence.

## Veterans' Benefits

ASL has been approved under the provisions of Public Law 89-358 for eligible persons to receive veterans' benefits in connection with the J.D. degree. ASL is a Yellow Ribbon qualified school. For more information, contact ASL's Financial Aid Office at 1-800-895-7411, extension 1211.

## Federal Work Study

ASL participates in the Federal Work Study (FWS) program. A limited number of employment opportunities are available to students enrolled at ASL. These jobs pay at least the minimum wage and may not exceed twenty hours per week. All students employed by ASL must participate in the FWS program.

Federal regulations require that eligible students selected to participate in the FWS program must file a Free Application for Federal Student Aid (FAFSA) and meet the federal definition of financial need. Students should be aware that FWS earnings are treated as a part of the student's overall financial aid package; that is, the total amount of a student's FWS earnings, scholarships, grants, loans, etc., may not exceed his or her cost of attendance.

Students interested in participating in the FWS program should contact the Financial Aid Office for a determination of their eligibility.

# Chapter 4 Curriculum - Juris Doctor Program

## Program Offered

ASL offers a sequence of courses designed to lead to a Juris Doctor degree. Requirements for the degree (for students entering in the Fall of 2016) include completion of ninety semester credits, including a summer externship, and six semesters (or the equivalent thereof) in full-time residence. In addition, a student must obtain a cumulative grade point average of 2.1 or better in order to graduate. Contemporaneous with the time the academic requirements are completed, the J.D. degree is conferred.

ASL provides an academic community dedicated to creating an exciting, civil, and responsible educational environment. ASL offers a rigorous program for the professional preparation of lawyers by a nationally recruited, well-qualified, and diverse faculty which is particularly committed to a high level of student instruction in substantive law, professional responsibility, dispute resolution, and practice skills. The faculty also emphasizes scholarship and community service while modeling excellence, integrity, and independence in the best traditions of the legal profession.

## Curricular Learning Objectives

As of the 2015-16 year, ASL has adopted the following curricular learning objectives that will be accomplished over the course of the 90 hour degree program:

- Graduates understand and integrate sufficient knowledge of core substantive and procedural law to pass the bar and begin competently practicing law within one year of graduating.
- Graduates will be able to analyze legal situations with the skill of an entering practicing attorney.
- Graduates will be able to synthesize rules from relevant sources of law.
- Graduates will be able to conduct legal research efficiently with a variety of research products.
- Graduates will be able to solve legal problems with the strategic ability of an entering practicing attorney.
- Graduates will be able to communicate professionally in both oral and written formats with a variety of legal constituencies.
- Graduates understand and integrate the rules of professional conduct that are essential for the ethical and professional practice of law.
- Graduates will be able to analyse a legal situation to determine and implement the ethical and professional course of action.
- Graduates will develop and embrace a sense of professionalism that transcends their practice by being resources for their communities and their profession.
- Graduates will be able to purposefully select, counsel, and implement traditional or alternative dispute resolution strategies that best align with each client's goals.
- Graduates will develop and embrace a sense of civic responsibility and leadership, including an awareness of local, state and national issues; involvement in community issues; collaboration to mitigate community problems and addressing community needs.

## Prescribed Curriculum -- Full-time Students -- J.D. Program

Students beginning their first year at ASL in the fall semester take required courses in Civil Procedure I & II, Contracts I & II, Criminal Law, Legal Process I & II, Property I & II, Introduction to Law/Strategies for Legal Success, and Torts.

Students typically complete the required Externship course during the summer after their first year. Students also must successfully complete the following required upper-level courses prior to graduation: Appellate Advocacy; Bar Preparations Studies; Business Associations; Constitutional Law I; Constitutional Law II; Criminal Procedure; Dispute Resolution; Estates and Trusts; Evidence; Family Law; 8 credit hours of Practicum courses; Professional

Responsibility; Secured Transactions and Payment Systems, and a Seminar. Students also must take a prescribed number of Capstone Courses, including at least one State Practice Elective, in their third year.

Prior to graduation from ASL, students also must satisfy two upper-level writing requirements. First, students must successfully complete the Seminar Writing Requirement, which requires the student to complete an expository or argumentative research paper of at least twenty pages in length, not including endnotes or footnotes. Most students satisfy the Seminar Writing Requirement by completing one of the Seminar courses during their third year of studies, although some students satisfy the requirement through work on Law Journal or Moot Court.

Second, all students must successfully complete at least one course designated as satisfying the Upper-Level Writing Skills Requirement. The purpose of this Requirement is to insure that all students receive substantial exposure, beyond the first-year Legal Process courses, to the types of writing and drafting that attorneys typically encounter in the practice of law. For a course to satisfy the Upper-Level Writing Skills Requirement, writing or drafting assignments must comprise at least a quarter of the work for the course. Courses that satisfy the Requirement will be designated by the Dean and the Associate Dean.

The sequence in which courses are taken changes from time to time and may change during a student's period of studies at ASL. Presently, however, the Faculty anticipates that full-time students entering ASL in the fall semester in 2016-2017 will take courses in the following sequence:

<b>First Year – Fall</b>	
Civil Procedure I	2
Contracts I	3
Legal Process I	3
Torts	4
Property I	3
Intro to Law/Strategies for Legal Success	1
<b>Total</b>	<b>16</b>

<b>First Year - Spring</b>	
Civil Procedure II	3
Contracts II	3
Legal Process II	3
Criminal Law	3
Property II	3
Externship (Classroom Component)	0
<b>Total</b>	<b>15</b>

<b>Summer after First Year</b>	
Externship (Work Hours at Field Placement)	3



<b>Second Year – Fall</b>	
Constitutional Law I	3
Evidence	3
Professional Responsibility	3
Criminal Procedure	3
Appellate Advocacy	3
<b>Total</b>	<b>15</b>

<b>Second Year - Spring</b>	
Constitutional Law II	3
Business Associations	4
Wills & Estates	3
Dispute Resolution	2
Capstone Elective	3
<b>Total</b>	<b>15</b>

<b>Third Year – Fall</b>	
Family Law	3
Secured Transactions & Payment Systems	4
Practicum	4
Seminar	2
Complementary Course	2-3
<b>Total</b>	<b>15-16</b>

<b>Third Year – Spring</b>	
Capstone Electives (2)	6
Bar Preparation Studies, or a 3 <sup>rd</sup> Capstone Elective for eligible students	3
Practicum	4
<b>Total</b>	<b>13</b>

Prior to graduation, a total of 90 credit-hours of course work must be completed in compliance with the curricular structure established by the faculty.

### Spring-start Students

Students starting in the spring semester will take a reduced-load their first semester consisting of Introduction to Law/Strategies for Success (1), Criminal Law (3) and, Dispute Resolution (2). The summer following the student's first semester, the student may enroll in additional courses for which they have completed the pre-requisites. In the following fall, the student will join the incoming fall class in Civil Procedure I, Torts, Property I, Contracts I, and Legal Process I. By completing courses in the sequence indicated below, students starting in the spring semester may complete their graduation requirements in six regular semesters plus at least four credits earned during summer sessions and graduate after the fall semester of their third full year of study. It is also possible for students to extend their studies to seven regular semesters and take a lighter load during each semester of their third year.

The sequence in which courses are taken changes from time to time and may change during a student's period of studies at ASL. Presently, however, the Faculty anticipates that full-time students entering ASL in the spring semester in 2016-2017 will take first-year courses in the following sequence:

<b>Entering Semester - Spring</b>	
Criminal Law	3
Dispute Resolution	2
Intro to Law/Strategies for Legal Success	1
<b>Total</b>	<b>6</b>

<b>First Year - Fall</b>	
Civil Procedure I	2
Contracts I	3
Legal Process I	3
Torts	4
Property I	3
<b>Total</b>	<b>15</b>

<b>First Year - Spring</b>	
Civil Procedure II	3
Contracts II	3
Legal Process II	3
Property II	3
Business Associations	4
Externship (Classroom Component)	0
<b>Total</b>	<b>16</b>

<b>Summer after First Year</b>	
Externship (Work Hours at Field Placement)	3

### Reduced-load Students

ASL does not have a part-time program. Special permission from the Dean is required to enroll in less than 12 credit hours in a semester. Permission to take less than a full load of course will only be granted in exceptional circumstance and where students can demonstrate that they will still be able to graduate in a timely manner.

## Community Service

ASL's mission is to develop professionals who will serve as community leaders and community advocates. ASL provides a unique program of mandatory community service that students may complete in a variety of ways. As a requirement for graduation from ASL, each student must complete 25 hours of community service each semester. During their first semester in law school, students satisfy this requirement by taking the mandatory Introduction to Community Service class, which meets once per week throughout the Fall semester.

As just a few examples of direct community service provided by members of ASL community, Law students have volunteered with the Buchanan County Commonwealth's Attorney, students have tutored and mentored in the public school system, students have assisted Buchanan County by providing property research for the Great Eastern Trail and Spearhead Trail project, students have assisted the Buchanan County Humane Society and volunteered with the Volunteer Income Tax Assistance ("VITA") project. Students and faculty may create alternative service projects as well. For example, students have worked at a food bank, created personnel policies and a pay plan for a small town, coached a high school athletic team or other clubs, worked at a local nursing home and worked as child advocates in the court system.

## Externships & Clinics

Since its inception, Appalachian School of Law has distinguished itself from other law schools by providing our students with practical legal experience well before graduation. ASL's externship program is a central part of the school's commitment to equipping students with practical lawyering skills. The externship also gives our students a chance to network and make connections that may aid students in their future law careers. During their externships, students may:

- Assist with trial strategy
- Draft judicial opinions
- Draft pleadings and legal memoranda
- Interview clients
- Observe court proceedings
- Perform factual investigations
- Research legal issues
- Update law libraries
- Represent real clients
- Practice Client interviewing
- Mediate Disputes & Apply Alternative Dispute Resolution
- Hone courtroom presentation and evidentiary techniques
- First Year Summer Externship Program

For six weeks between their first and second years of school, all ASL students earn three hours of academic credit by spending at least 200 hours working under the supervision of an experienced attorney. This allows our students to take what they have learned in the classroom and apply it to the real world in public interest or pro bono legal environments during the summer. This experience then informs and transforms their remaining studies at ASL. The externship placements have the added advantage of fulfilling bar admission requirements such as the State of New York's prerequisite that those seeking admission to the bar complete 50 hours of pro bono work before the bar examination. With more than 500 approved site partners, ASL has one of the country's largest databases of externship opportunities for our students. Follow these links to review an alphabetical list of our site partners by category or state.

## Second Year Summer Internship Program

Beginning in the summer of 2013, ASL expanded its traditional externship program to include competitive placements for our most distinguished students. Through this component of the externship program, students compete for placement at sites that focus their practices in the areas of (1) natural resources and environmental law, (2) the judiciary and (3) administrative law. Students who are selected for these internships may receive a stipend to offset travel and living expenses.

## Third Year Live Client Clinics

ASL also created live client clinics for third year law students seeking to further enhance their experiential learning opportunities. Students enrolled in this track of the externship program must enroll in a corresponding seminar or practicum. The corresponding seminar or practicum is taught by ASL's tenure-track faculty in partnership with an attorney at the clinic who instructs the student in the relevant area of the law.

If you have additional questions, contact ASL's Externship Director.

## Summer / Intersession Courses

Courses may be offered in January or summer intersessions, as student interest and faculty availability allows. Intersessions are condensed format courses offered for academic credit. Specifics on January Intersession offerings will be made available during the fall semester at the time of registration for spring classes in the following year. Specifics on summer session offerings will be made available during the spring semester at the time of registration for fall classes in the following year. Intersession course offerings provide courses that students may take to expand the breadth of their legal education, but no required courses are offered during either of the intersessions. Courses offered during past January and Summer Intersessions include: Intro to Natural Resources, Lawyerpreneur, The Law of Renewables, Workers' Compensation, Law Office Management, Oil and Gas Law, Law and Religion, Regulation of Energy Markets and Utilities, and Arbitration.

## Juris Master's Degree Program

ASL will confer the degree of Juris Master upon all candidates for the Juris Doctor program successfully completing their third semester of law school in good academic standing. Awarding ASL students the Juris Master's degree provides them recognition for mastering basic legal skills, and is in keeping with ASL's leadership role in the legal education community, where the school has earned well-deserved national repute for its commitment to legal education access, community service, and student externships. Not only does it recognize their achievement, but it also provides a valuable degree to law students who determine, due to changes in life circumstances, that completing the J.D. is not feasible at the time. Attaining this degree ensures that the students receive something of value that will increase their career marketability. Students qualifying for Appalachian School of Law's Juris Master degree will receive their J.M. diplomas during a ceremony in ASL's Appellate Courtroom in January after their third full semester.

## The J.D. Certificate Programs

By focusing their upper level studies in specific areas of legal education, students pursuing a J.D. degree may earn a certificate in one of three areas of study: Natural Resources Law, Litigation, or Lawyer as a Problem Solver. These certificates inform prospective employers that a student's legal education, in addition to fulfilling the general requirements necessary to receive the Juris Doctorate, has been concentrated in a specific area of legal education. ASL's certificates are awarded to students whose upper level coursework fulfills the requirements established for each of the programs. Certificates in the J.D. program are awarded only for coursework completed during a student's matriculation; however, a J.D. student who falls a few hours short of receiving a certificate in the J.D. program may opt to receive a post-J.D. professional certificate by completing the remaining courses needed to meet the credit hour requirement for the professional certificate at the price of \$1,250 per credit hour (the standard credit hour price for the professional certificate program.)

A student will receive a Lawyer as a Problem Solver Certificate with a corresponding notation in the student's permanent academic record if he or she meets the following criteria: complete at least 23 credit-hours of coursework as established for the program (11 hours of required first and second year courses, 6 to 8 hours of Dispute Resolution Electives, 5 to 8 hours of Procedure and Practicum Electives.)

A student will receive a Litigation Certificate (Criminal, Civil, or general) with a corresponding notation in the student's permanent academic record if he or she meets the following criteria: Successfully complete at least 29 credit hours of litigation related course work (26 credit hours of required courses, and at least 3 hours of Elective courses; and, receive a grade of "PR" in all required first year courses, and have at least a cumulative 3.0 grade point average in the upper level courses that qualify the student to receive the certificate.) The category of certificate a student will receive (Criminal, Civil, or general) will be determined by the nature of the courses the student pursues.

#### Certificate in Natural Resources Law

A student will receive a Certificate in Natural Resources Law with a corresponding notation in the student's permanent academic record if he or she meets the following criteria:

1. Successfully completes 12 hours of credit in specified natural resources classes and programs.
  - (a) Up to three of the required 12 hours may be fulfilled by (a) earning credit for work with the Natural Resources Law Journal (2 hours), (b) earning credit for participation on a qualifying moot court team (2 hours)<sup>1</sup>, (c) successfully completing a course through Virginia Tech's Graduate School of Natural Resources that has been approved for credit as part of the Virginia Tech Certificate in Graduate Studies in Natural Resources (3 hours)<sup>2</sup>, (d) earning credit through work at a clinic overseen by ASL's Natural Resources Law Program (1-3 hours)<sup>3</sup>, or (e) earning credit through Independent Study on an approved topic (2 hours)<sup>4</sup>.
  - (b) At least 9 of the 12 hours must be earned by obtaining passing grades in approved natural resources classes.<sup>5</sup>
  - (c) The Natural Resources Law committee will have the authority to determine classes, programs, competitions and topics that qualify for credit, and to otherwise modify the credit requirements for achieving the Certificate.
2. Achieves at least a cumulative 3.0 grade point average in the graded ASL courses that count towards the 12 qualifying credit hours.
3. Commencing in July 2016, students complete a publishable quality note in addition to the curricular writing requirements within the Certificate qualifying courses.

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<sup>1</sup> Qualifying moot court teams in the past have included ones that competed at the Pace National Environmental Law Competition and at the West Virginia National Energy Law Competition.

<sup>2</sup> At present, students can earn a certificate in Graduate Studies in Natural Resources from Virginia Tech by, among other criteria, successfully completing three approved courses through Virginia Tech's Graduate School. ASL students in good standing who wish to participate in that program are automatically admitted at Virginia Tech. ASL will be seeking approval from Virginia Tech to automatically admit an ASL student to take only one course as part of the ASL NR Certificate program. A class taken through Virginia Tech would not otherwise count towards the ASL graduation requirements.

<sup>3</sup> Students can earn credit toward the certificate by (a) working in the NRLC Clinic or (b) participating in a live client clinic in connection with their enrollment in a natural resources course. Credit earned through a live client clinic must be approved by the externship director and faculty member responsible for teaching the related natural resource course in order for the student to earn academic credit toward the certificate.

<sup>4</sup> Criteria for approved Independent Studies credit are already part of the Academic Standards. Students would have to meet all of those standards in addition to obtaining approval of the Natural Resources Law committee for the proposed topic.

<sup>5</sup> Qualifying courses in the ASL academic catalog are: Introduction to Natural Resources Law, Environmental Law, Natural Resources Law, Sustainable Energy Law, Real Estate Transactions, Coal & Hard Mineral Law, Environmental ADR, Oil & Gas Law, Law of Renewables, Water Law, Regulation of Energy Markets, and Utilities, Mineral Title Search & Examination, Administrative Law, Agricultural Law, Environmental Science for Lawyers, Energy Law and Policy, Practice Before the Federal Energy Regulatory Commission, and Energy, Economics, and the Environment. In addition, one section of Appellate Advocacy may be built around a problem in an area related to natural resources law, environmental law or energy law. Such a section will be designated "AppAd-NR," and it will be a qualifying course for purposes of meeting the NRL Certificate requirements.

Meets all other requirements to graduate from ASL.

The Curriculum Committee and Academic Standards, with approval from the Dean and Assistant Dean, retain jurisdiction over the implementation, interpretation, and requirements for this certificate program. Specific course requirements may change from semester to semester, thus information about available courses for the certificate programs is provided to students during the registration period for each semester.

#### Lawyers As Problem Solvers (LAPS) Certificate

To receive a LAPS certificate students must complete at least 23 hours of coursework from the following list:

##### Required Courses (11 hours):

- Civil Procedure I & II (5 credits)
- Evidence (4 credits)
- Dispute Resolution Survey (2 credits)

##### Dispute Resolution Electives (select two):

- Certified Civil Mediation Practicum (4 credits)
- Environmental Dispute Resolution Practicum (4 credits)
- ADR in Criminal Cases Seminar (when offered)
- Client Interviewing, Counseling, and Negotiation Practicum (4 credits)(when offered)
- Employment Discrimination and Dispute Resolution Seminar (2 credits) (when offered)
- Workers' Compensation Elective (3 credits) (when offered)
- Arbitration (summer on-line course) (when offered)
- Arbitration and Dispute Resolution System Design Seminar (2 credits) (when offered)
- Insurance Law Practice and ADR Practicum (4 credits) (when offered)
- Advanced Negotiation Practicum (4 credits) (when offered)
- Other Dispute Resolution classes as available

##### Procedure and Practicum Electives (select any two):

- Conflict of Laws (3 credits)
- Virginia Procedure (3 credits)
- Remedies (3 credits)
- Administrative Law (3 credits)
- Appellate Advocacy (3 credits)
- Advanced Criminal Procedure (3 credits)
- Pretrial Civil Litigation (4 credits)
- Trial Advocacy (4 credits)
- Family Law & Practice (4 credits)
- Juvenile Law & Practice (4 credits)
- Law Office Practice (2 credits)
- Law Office Practice (4 credits)
- Employment Law (4 credits)
- Criminal Practice (4 credits)
- Small Business Entities (4 credits)
- Estate Planning (4 credits)

### Litigation Certificate (Criminal, Civil, or general)

An Appalachian School of Law graduate will receive a Certificate in Litigation with a corresponding notation in the student's permanent academic record if he or she successfully complete 29 credit hours of litigation related course work that meets the following criteria:

- Students must take the following courses (26 credits):
  - Civil Procedure I (2 credits)
  - Civil Procedure II (3 credits)
  - Criminal Law (3 credits)
  - Criminal Procedure (3 credits)
  - Evidence (4 credits)
  - Appellate Advocacy (3 credits)
  - Trial Advocacy (4 credits)
  - Criminal Practice (4 credits), Pretrial Practice (4 credits) or Family Law Practice (4 credits)
- In addition, a student may complete any combination of the following courses to fulfill the requirement:
  - Advanced Criminal Procedure (3 credits)
  - Virginia Civil Procedure (3 credits)
  - Remedies (3 credits)
  - Moot Court (2 credits)

A student must receive a "PR" in each first year required course and have at least a cumulative 3.0 grade point average in the upper level courses that qualify the student to receive the certificate. Absent approval from the Academic Standards Committee, transferred credits for courses taken at other institutions will be counted with respect to 1L required courses, but will not count towards the Certificate for 2L and 3L courses.

If a student chooses Criminal Practice and Advanced Criminal Procedure as optional courses, the Litigation Certificate will reflect that concentration as a Criminal Litigation Certificate. If a student chooses Pretrial Practice and/or Family Law Practice and/or Virginia Civil Procedure and/or Remedies as optional courses, the Litigation Certificate will reflect that concentration as a Civil Litigation Certificate.

The Curriculum Committee and Academic Standards, with approval from the Dean and Assistant Dean, retain jurisdiction over the implementation, interpretation, and requirements for this certificate program.

## Course Descriptions

ASL's course descriptions are listed in alphabetical order. Courses that will satisfy requirements such as the capstone elective, practicum, or seminar requirements will be noted in parenthesis after the number of credit hours. Capstone electives are designed to provide students with a comprehensive review of various subject matters essential to the practice of law. Third-year students are required to take a fixed amount of capstone electives, including one state practice elective. The offerings for capstone electives and state practice electives vary from year to year. Practicum courses are designed to give students practical, skills-based training. These courses combine skills training with additional instruction in a particular substantive area of the law. Practicum courses are open to third-year students only, and enrollment in each course is limited. The practicum offerings vary from year to year. Seminar courses require students to complete an expository or argumentative research paper under the supervision of a full-time faculty member. Each third-year student elects one seminar course. The seminar offerings vary from year to year; the following seminar courses were offered during recent academic years.

### Administrative Law - 3 credit hours (capstone and state practice elective)

Examines the role of the formal and informal administrative processes in our society, and emphasizes the powers and procedures common to all administrative agencies and the relationships among the legislative, judicial, and executive branches in the development of public policy.

### Advanced Torts – 3 credit hours (capstone elective)

Expands on the issues examined in the first year Torts course. It focuses on privacy, business torts, product liability, and defamation. Prerequisite: Torts

### Appellate Advocacy - 3 credit hours (required course)

Appellate Advocacy is an upper-level required course which provides second year students with the opportunity to further develop their skills as a legal writer and oral advocate. The course focuses on appellate theory and practice, standards of review, advanced appellate brief writing, and the art of appellate oral argument. Students will complete at least one major writing assignment and participate in a class wide moot court competition. Students may generally take Appellate Advocacy either in the Fall or the Spring. The fall section utilizes a hypothetical drawn from natural resource law, while the spring section focuses on a hypothetical drawn more broadly from other fields of law. Prerequisite: Legal Process I & II

### Assistantship, Research, or Teaching – 1 credit hour [4 hour maximum toward degree]

A student will work under the supervision of a member of the full time faculty and assist in providing research assistance to the faculty member in furtherance of a substantial scholarly endeavor or assist in grading formative assessments and providing supplemental instruction to lower level students. This endeavor will broaden or deepen a student's knowledge of a law topic beyond that provided in a standard offering of a course's material. A student must complete and document 65 hours of work and in the case of a teaching assistantship, [substantial experience]. The supervising faculty member will verify completion of requirements to earn credit. Prerequisite: Completion of all the required first year courses and the course for which assistance will be provided

### Bar Preparation Studies - 3 credit hours (required course)



Bar Preparation Studies (BPS) is a bar preparatory course that will build on the analytical, writing and organizational skills taught across the ASL curriculum with the goal of enhancing a student's ability to prepare for the bar examination. Although the most intensive preparation for the bar will occur in the nine to eleven weeks before the bar examination, BPS will prepare students for that period of study and practice by introducing them to the format and components of the bar exam and the scope of the task, and by conveying information about study and organizational skills. Students will review selected substantive topics, learn methods by which to review the tested areas of law, complete practice essays, multiple choice and performance test questions, and receive feedback on practice questions. This course is not intended to replace commercial bar preparation courses, but rather to introduce (or re-introduce) students to tested substantive law and many of the strategies needed to perform well on the bar exam. While this course focuses on the Multistate Bar Examination subjects (Constitutional Law, Contracts, Criminal Law and Procedure, Evidence, Real Property and Torts), the class will also include additional sessions and lectures on state subjects, based on the state bar exam being taken by students. Prerequisites: demonstrating proficiency in the following subjects either by earning a PR when taking the course or through subsequent retesting or remedial measures as permitted by the Academic Standards in Chapter 5 -- Civil Procedure I & II; Contracts I & II; Property I & II; Constitutional Law I & II; Criminal Law; Criminal Procedure; Torts; and, Evidence.

Business Associations – 4 credit hours (required course)

is a study of the law concerning business entities, including: the factors affecting the selection of the form of a business enterprise; the nature of corporate entities; and the promotion, organization, activities, financing, management, and dissolution of business corporations. In addition to discussing the law of corporations, the course covers the principles by which one party may act as agent for another and the law governing unincorporated business organizations such as partnerships, limited partnerships, limited liability companies, and limited liability partnerships. Prerequisites: Contracts I & II; Torts; Property I & II

Certified Civil Mediation - 4 credit hours (practicum)

Will help students progress towards the entry-level mediator certification required by the Supreme Court of Virginia for persons who want the court to list them as court-referred mediators. The course will provide students with the first element of the certification requirements by providing at least 20 hours of professional mediation skills training. For students who will practice outside Virginia, this class may receive reciprocal recognition as the basic mediation training required in other states. Mediation requires a diverse set of skills that consider the legal context of the dispute, the interests and psychological needs of the parties, the emotions fueling the dispute, the parties' need for apology and forgiveness, and the techniques for helping parties reach reconciliation. Good mediators are skillful at listening, questioning, paraphrasing, and reframing. This course will give students the ability to develop these skills through readings, demonstrations and role-play exercises. The course also will satisfy the upper level writing requirement. Students will write an 18-20 page paper analyzing a "difficult conversation" they had with another person. Students also will conduct a complete mediation role-play as the second component of the grade in this class.

Civil Procedure I - 2 credit hours (required course)

A general survey of court procedure in civil cases using federal civil procedure as a model. The course covers the jurisdiction of courts (both personal and subject matter), venue, pleading, discovery, disposition without trial, joinder of claims and parties, and effects of judgments. Prerequisite: Introduction to Law

Civil Procedure II - 3 credit hours (required course)

A continuation of Civil Procedure I. Prerequisite: Civil Procedure I

Client Interviewing, Counseling, and Negotiation - 4 credit hours (practicum)

In this course, students will develop the skills involved in successful interviewing and counseling of clients and optimal negotiation with non-clients. Daily interactive simulations will be combined with frequent short writing assignments (app. 3 pages) designed to solidify the analysis and communication skills students have acquired in earlier courses. Heavy emphasis will be placed on the psychological factors affecting the interviewing, counseling, and negotiation processes as well as the need for linguistic precision when interacting with clients and non-clients.

Simulations and assignments will involve various areas of law, but the class will culminate in the negotiation and drafting of a 10-page settlement agreement for a civil dispute.

Coal Law – 2 - 4 credit hours (practicum)(may be offered as a combined course with Oil and Gas Law)

Familiarizes students with the legal, business and environmental side of the coal and hard mineral law. Although broadly covering the industry, the course will specifically prepare and introduce students to focus on the nature of ownership of subsurface minerals; methods of transferring ownership; property rights; partition among co-owners; analysis of leasehold estates, rights and duties; coal mining rights and privileges; regulatory and environmental issues; and administrative processes. The course will require the drafting of legal memorandums and pleadings, oral presentations, and advocacy skills. The course makes use of speakers who serve as in-house counsel for energy companies and utilities, and/or practitioners in the natural resource industry.

Conflict of Laws - 3 credit hours (capstone and state practice elective)

A study of the law relating to transactions with elements in more than one state or nation, jurisdiction of courts and enforcement of foreign judgments, constitutional issues, and the theoretical basis of choice of law. Prerequisites: Civil Procedure I & II

Constitutional Law I - 3 credit hours (required course)

A study of the provisions in the United States Constitution governing our form of government and the powers of the federal judiciary, legislature, and executive. The course also reviews relations between the federal government and the states. Prerequisites: Introduction to Law

Constitutional Law II - 3 credit hours (required course)

A study of the limitations on governmental power over individuals inherent in constitutional provisions relating to due process and equal protection and freedom of speech and religion. The course evaluates the restrictions on private action mandated or permitted by these constitutional provisions.

Contracts I – 3 credit hours (required course)

Encompasses the study of legally enforceable promises, termed “contracts.” The course encompasses the study of what types of promises are legally enforceable, what it takes to form a contract, what the obligations of the parties are, what constitutes breach, and what remedies are available upon breach. Prerequisites: Introduction to Law

Contracts II - 3 credit hours (required course)

A continuation of Contracts I. Prerequisites: Contracts I

Criminal Law - 3 credit hours (required course)

An inquiry into the sources and goals of the criminal law, general principles of liability and defenses, and the characteristics of particular crimes. Prerequisites: Introduction to Law

Criminal Practice - 4 credit hours (practicum)

Includes both substantive instruction and skills training on pre- and post-trial criminal practice issues. Students will prepare written motions and participate in simulated in-class exercises involving indictment and charging decisions, client relations, bail and release, investigation, discovery, preliminary hearings, pre-trial motions, guilty pleas, sentencing, and probation. The course focuses on both defense and prosecution issues and students will have the opportunity to experience both sides of criminal practice through in-class exercises. Prerequisites: Criminal Law; Criminal Procedure; and Evidence

Criminal Procedure - 3 credit hours (required course)

A survey of federal procedures and constitutional safeguards applicable in the criminal justice system, focusing on police investigation and arrest. Particular emphasis is given to Fourth Amendment issues.

#### Debtor-Creditor Law - 3 credit hours (capstone and state practice elective)

Offers a comprehensive study of the legal principles governing the relationship of debtors and creditors, with primary emphasis on federal bankruptcy law and a focus on the rights of unsecured creditors. Traditional state remedies such as attachment, garnishment, execution, fraudulent conveyance, and debtors' exemptions also are covered.

#### Dispute Resolution - 2 credit hours (required course)

Provides students with a working knowledge of dispute resolution theory and practice. The major dispute resolution processes are examined critically with discussion of their strengths and weaknesses. Particular emphasis is given to negotiation, mediation, arbitration, and ethics. Legal, ethical, and policy issues that arise in the use of dispute resolution processes also are examined. A major theme throughout the course is the selection of appropriate dispute resolution forums and representation of clients in dispute resolution.

#### E-discovery – 3 credit hours

This course guides the student through the complicated process of handling Electronically Stored Information (ESI). Recommended best practices are explored and analyzed within the framework of the ABA Model Rules of Professional Conduct with particular emphasis on lawyer competence in technology matters. The knowledge gained in this course will benefit both those who plan to be litigators as well as those who choose a transactional practice. The subject matter includes an in depth analysis of ESI, metadata, litigation holds, social media and related digital information sources. The Federal Rules of Civil Procedure will be examined to illustrate the shift from paper to digital records in litigation and the subsequent changes to the Rules to accommodate this new environment. Students will also review the Electronic Discovery Reference Model (EDRM) and the principles established by the Sedona Conference to develop skills and experience in handling digital information. Throughout the course, students will learn the ethical requirements governing the attorney's role in the collection, storage and dissemination of digital information.

Prerequisites: Civil Procedure.

#### Energy, Economics, and the Environment – 2 or 3 credit hours

Energy, Economics, and the Environment examines developing legal issues in the energy industry through the lens of economic theory. The course focuses on the environmental issues resulting from energy usage and regulatory schemes. Relevant constitutional law issues will be discussed as well as the complex challenges facing the utility industry and its regulators as renewable energy begins to gain a foothold in the United States. The legal hurdles to effective regulation of transportation form a significant component of the course as well as the role of corporate social responsibility in a heavily regulated industry.

#### Environmental Dispute Resolution Practicum – 2-4 credit hours (practicum)

Explores the characteristics of environmental and natural resource disputes, how they arise, and how we choose to resolve them. The course examines the range of resolution options available, from rights-based approaches (litigation, appellate advocacy and arbitration) to interest-based approaches (consensus building, mediation, collaborative governance and group facilitation). Students practice and explore the skills needed to use collaborative practices in typically adversarial interactions. This skills course relies heavily on simulations involving resource disputes taken from current headlines, such as those involving endangered species of the Upper Clinch River Valley, mountain top mining permits granted in Central Appalachia, and ridgeline placement of wind farms. It will also examine the approach taken by the administrator of the BP Deepwater Horizon Disaster Victim Compensation Fund.

#### Environmental Law - 3 credit hours (seminar)

Examines selected topics in the law governing the protection of air, water, and land from pollution. Early class sessions will cover: (1) brief overviews of the Clean Water Act, the Clean Air Act, and the Resource Conservation and Recovery Act; (2) the impact of Climate Change on the permitting process; (3) additional areas of environmental law having regional connections, including mine permitting and regulation; (4) competing conceptual approaches to environmental regulation; (5) the political and bureaucratic aspects of environmental regulation as a model of regulation generally; (6) emerging notions of environmental justice; and (7) the role of citizen enforcement, including the implications of recent U.S. Supreme Court decisions dealing with the issue of standing. Reading materials will focus on judicial decisions, administrative materials, and case law but will also include selections from the literature

of science, economics, and political science that underlie current legal debates in environmental law. Early classes will involve the students in informal presentations based on the reading materials. The last few classes will be devoted to presentation and discussion of student research papers.

#### Environmental Science for Lawyers – 2 credit hours

Environmental Science for Lawyers will explore the basic scientific knowledge lawyers need to understand and apply the law to environmental issues. This 2-credit course will address air pollution chemistry, water pollution chemistry, energy sources, and biological systems. For each subject, reading assignments, lecture, group projects, and discussion will allow students to develop a well-rounded background in the basic scientific concepts behind the laws that regulate our environment. Material will be taught at a level appropriate to students of varying backgrounds. Students will be evaluated on their ability to both understand the basic scientific concept taught and to apply those concepts to relevant law and fact patterns.

#### Estate Planning - 4 credit hours (practicum)

Develops students' skills relating to the disposition of property during lifetime and at death. The first part of the course will examine federal estate and gift taxation. The second part of the course will focus on developing estate plans and drafting the instruments (e.g., wills, trusts, etc.) necessary to implement such plans so as to accomplish a client's non-tax objectives while minimizing estate taxes, gift taxes, and income taxes. Prerequisites: Estates and Trusts

#### Estates and Trusts - 4 credit hours (required course)

A study of the devolution of property by descent and wills, including a study of intestacy, and related problems of construction. The course also covers a study of the formation and management of trusts, including the rights and responsibilities of settlors, rights and responsibilities of trustees, rights and responsibilities of beneficiaries, the doctrine of cy pres, and the concept of fiduciary duty. In addition, the course introduces the federal transfer tax system and related estate planning opportunities and techniques. Prerequisites: Property I & II

#### Evidence - 4 credit hours (required course)

An examination of the rules governing the admissibility of evidence in civil and criminal trials, with particular emphasis on the Federal Rules of Evidence. Topics covered include relevancy, the hearsay rule and its exceptions, examination, cross-examination, and impeachment of witnesses, witness competency, opinion and scientific evidence, admissibility of writings, judicial notice, and burdens of proof and presumptions.

#### Externship - 3 credit hours (required course)

Allows students to apply the skills learned in the core curriculum. Students typically take this course during the summer following their first year of studies. Students work for a total of approximately 200 unpaid hours in a judge's chambers, public law office, or public interest organization under the direct supervision of a licensed attorney. Each student is assigned to a full-time faculty coordinator and the faculty coordinators conduct an orientation and a debriefing session before and after the externships. Externship placements for students have included federal magistrate, district court, and circuit judges; state Supreme Court justices in Virginia, Kentucky, Tennessee, and North Carolina; state trial judges in Virginia, West Virginia, and Kentucky; U.S. Environmental Protection Agency and U.S. Department of Justice; Virginia Attorney General's Office; Virginia, West Virginia, and Kentucky Legal Services offices; Tennessee District Attorneys; Virginia Commonwealth Attorneys; West Virginia District Attorneys; North Carolina District Attorneys; Kentucky County Attorneys; Georgia District Attorneys; South Carolina Solicitor's Office; and the Air Force Legal Office. Extern students' experiences typically include a combination of the following: observing court proceedings, researching legal issues, performing factual investigations, drafting pleadings and legal memoranda, drafting judicial opinions, updating law libraries, and assisting with trial strategy and problem solving. Prerequisite: Completion of 28 credit hours prior to beginning work at field placement

#### Family Law - 3 credit hours (required course)

Covers various subject areas in family law, and introduction on how to practice in the family law area. The main topics covered are marriage, divorce, division of property, spousal support, child custody and visitation, child support, adoption, and domestic violence.

#### Family Law Practice - 4 credit hours (practicum)

Will focus on substantive instruction and skills training in issues most prevalent to a family law practitioner. The course will cover selected subject areas in family law, such as annulment, divorce grounds and defenses, spousal support, child support, property division upon dissolution of marriage, ante-nuptial agreements, post-nuptial agreements, and child custody and visitation. Students will receive instruction in the preparation of pleadings, motions, court orders, and agreements. Students will also participate in simulated in-class exercises, including in-class simulated client interviews and court hearings. Prerequisite: Family Law

#### Federal Income Taxation - 3 credit hours (capstone and state practice elective)

Gives a basic understanding of federal income taxation relating to individuals and teaches the use and interpretation of complex statutes and regulations.

#### Independent Study - 1 to 3 credit hours

Involves assigned readings, conferences, research, and writing in specialized or advanced areas of the law. Proposals for Independent Study must be approved by the supervising professor and by the Curriculum Committee.

#### Insurance Law Practice - 4 credit hours (practicum)

Will focus on substantive instruction and writing skills training in issues most relevant to an insurance law practice. The course will include study of selected subject areas in insurance law, including automobile, fire and casualty (homeowners), liability, health, and disability. Among other topics covered will be the formation and operation of the insurance contract, coverage and exclusions, insurable interests, the claims process, subrogation, and vehicles to determine coverage issues such as declaratory judgment actions.

#### Introduction to Immigration & Citizenship Law – 2 credit hours

This course will introduce students to the basic rules governing noncitizens who wish to enter, who live, study, and/or work in the United States. Using problems and case studies, students will examine the Immigration and Nationality Act and requirements for and restrictions on entry into the U.S. (visas and admissibility); rights and restrictions on activities once in the U.S. (e.g., work, education; drivers licenses); removal of noncitizens; and naturalization.

#### Introduction to Law/Strategies for Success - 1 credit hour (required course)

Strategies for Success is a first-semester academic excellence course designed to teach the skills necessary to successfully participate in class, effectively manage time, prepare course materials, and practice for exams. Students will learn the critical reading, writing, and thinking skills that are essential to excel in law school, pass the bar exam, and succeed in the practice of law. Topics to be covered include the stages of a lawsuit, court structure, case and statute reading and briefing, understanding case rationales, case synthesis, time management, optimizing individual learning styles, course outlining, law school and legal note-taking, issue spotting on essays, how to analyze (and write) effectively for law school exams, how to answer law school and MBE-style multiple choice questions, and other exam-taking strategies. During the final weeks of the semester, individual meetings will be held as the Academic Support Director deems necessary or helpful to students. The regular Strategies classes focus on the critical skills outlined above using first-year course materials, and include practice exams that provide students with detailed feedback prior to final exams.

#### Introduction to Natural Resources Law – 3 credit hours

This course introduces students to ASL's various natural resources law offerings, both to provide a broad base of knowledge to interested students and to inform students who may be considering the natural resources law

certificate or master's degree. The goal of the course is to familiarize students with the legal, business and environmental aspects of the natural resources law. Although broadly covering natural resources, the course will include a basic introduction to the U.S. legal and governmental system relating to environmental, natural resource and energy laws, including hard mineral law, oil and gas law, water law, environmental law, energy policy, land use law, renewable energy law and issues related to climate change and sustainability.

#### Juvenile Law - 2 credit hours (seminar or practicum)

This course is a study of the three principal branches of juvenile court jurisdiction: delinquency, abuse/neglect and status offense proceedings as well as the basics of developmental psychology in exploring questions of capacity, competency and culpability. The course analyzes how the role of counsel differs from the role of a guardian ad litem or of a Court Appointed Special Advocate. Each student writes a 20-25 page research paper on some topic of juvenile law and makes a twenty minute presentation of the topic in class. The paper is critiqued, and the student edits and resubmits it for the final grade. This course satisfies the upper level writing requirement.

#### Law of Governance, Risk Managements, and Compliance - 2 credit hours (seminar)

This is a seminar course in which students will consider the current status of the law regarding various controversial issues involving 1) corporate governance; 2) corporate compliance with generally accepted ethical standards, internal rules & standards of conduct, and government regulation; and 3) risk management. For each issue examined, the course will challenge students to contemplate, identify, and propose alternative approaches. Students are required to complete an original expository and/or argumentative research paper on a single topic from one of the three broad areas listed; such topic to be chosen in consultation with the instructor. The objectives of the course are 1) to deepen the students' understanding of how corporations actually function; 2) to improve and sharpen students' critical thinking, research, and writing skills; 3) to better prepare students to function effectively as corporate counsel; counsel to individuals or businesses harmed by corporate action related to these issues; a state or federal agency regulator; a local, state or federal lawmaker; or as a state or federal judge.

#### Law Journal - 2 credit hours

Credit is awarded to students who successfully complete two years of service on Appalachian School of Law Journal of Law, including at least one year as a member of the Board of the Journal, and who produces a note of publishable quality. Successful completion of the requirements is determined by the Journal's faculty advisor. This course is graded on a pass/fail basis, and credit is awarded during the student's final semester in law school. Successful completion of the course will substitute for the seminar requirement or for a 2-credit-hour elective course, at the student's option.

#### Solo Law Office Management – 2 credit hours (practicum)

This course is designed to provide grounding in lawyering skills in several areas: legal drafting, interaction with clients, and the management of a small law office. The legal drafting component emphasizes the drafting of transactional documents rather than litigation documents. The course includes practice exercises simulating work with clients and the legal & ethical obligations of lawyers. Topics covered include Trust Accounts, Professional Responsibility, Compensation, Billing, Fees, Business Development and related issues.

#### Law Office Practice - 2 credit hours (practicum)

Provides grounding in lawyering skills in several areas: legal drafting, interaction with clients, and the management of a small law office. The legal drafting component emphasizes the drafting of transactional documents, e.g., various types of contracts, rather than litigation documents. The course includes practice exercises simulating work with clients and the other parties on business transactions. Topics covered in the office management component include: structure of law firms; financial issues (including compensation, billing, fees, and trust accounts); business development (marketing and advertising); law practice tools; and personnel, office, and operational issues.

#### Legal Process I - 3 credit hours (required course)

The Legal Process component of this course explores the basic methods of legal analysis and legal research, and how to write clear and concise predictive legal analyses. Students are assigned a number of research and writing projects,

which may include briefing cases and drafting office memoranda and client communications. Students also gain experience in editing and rewriting.

#### Legal Process II - 3 credit hours (required course)

A continuation of Legal Process I that explores the art and science of legal writing in greater depth. Students will complete written assignments of significant complexity and acquire more advanced research skills to be used in the production of practice-ready predictive and persuasive legal documents. Students will apply the lessons of Legal Process I and II to their own careers, learning how to write compelling cover letters and other successful professional correspondence.

#### Mineral Title Search and Examination – 2 credit hours

This course will familiarize and provide the students with an overview of the process of examining mineral titles and rendering legal opinions on title in the context of mineral production and development. Students will gain hands-on experience by conducting mineral title examinations in regional courthouses as well as drafting title opinions. The course will focus on examining title to Appalachian mineral properties, including natural gas and coal. The course will include a hands-on title search component where students will research the title from public records, learn how to identify conveyances and exceptions, and how to construe a mineral severance deed. The course will cover examining the title and identifying potential problems with the title, such as mortgages, easements, inadequate legal descriptions, improperly acknowledged documents, powers of attorney, foreclosures, bankruptcies, unpaid taxes, deed restrictions and reverters.

#### Moot Court - 2 credit hours

Credit is awarded to students who successfully complete two years of service on the Moot Court Board, who compete in an interscholastic Moot Court competition, and who independently prepare at least one brief. Successful completion of the requirements is determined by the Moot Court Program's Faculty Advisor. This course is graded on a pass/fail basis, and credit is awarded during the student's final semester in law school. Successful completion of the course will substitute for the Seminar requirement or for a 2-credit-hour elective course, at the student's option.

#### Natural Resources – 2 credit hours (seminar)

Examines the specialized property rules governing estates in natural resources, the correlative rights of surface and mineral owners, and the rights to explore, mine and extract, develop, and transport natural resources, with primary emphasis on "hard" minerals. As a compliment to existing courses in Administrative and Environmental law, the course examines selected issues of natural resources regulation from the perspective of the regulated community.

#### Oil and Gas Law – 2-4 credit hours (practicum)(may offered as a combined course with Coal Law)

Applies property law and contract law principles to a complex natural resource, and evaluates resource rights from the perspective of the developer, the property owner, and the regulator. ASL is in the Marcellus shale region, one of the largest shale plays in the U.S. With U.S. oil and gas production exploding, and world demand and competition for natural resources growing, students are exposed to a growing area of law in need of lawyers who can serve as effective advocates, problem solvers and negotiators. Topics include the creation of mineral property interests in oil and gas, how those interests differ from other forms of real property, and how they are conveyed. Students evaluate oil and gas lease provisions, the principal instruments for transferring oil and gas rights. The course may require review and/or drafting of contracts, legal memorandums, and transactional documents. The course makes use of speakers who serve as in-house counsel for energy companies and utilities, and/or practitioners in the natural resource industry.

#### Practice before the Federal Energy Regulatory Commission – 2 credit hours

The Federal Energy Regulatory Commission (FERC) regulates certain aspects of the natural gas, electric utility, hydroelectric, and oil pipeline industries. This 2-credit online course will give a practical overview of FERC's substantive regulation and internal procedures. It will cover the governing statutes, FERC's rules of practice and procedure, rehearing and appellate review of administrative decisions, the history of federal regulation of the natural gas industry, the import and export of liquefied natural gas, rulemaking for natural gas pipelines, natural gas

jurisdictional issues, regulation of public utilities, FERC's electric restructuring agenda, hydroelectric rulemaking, and regulation of oil pipelines.

The course will rely extensively on guest appearances by FERC employees and lawyers who practice before the FERC. Students will read assigned chapters from a short treatise, listen to online presentations given by the instructor, interact with guest speakers, research a topic of their choice, and -- during the final week -- give a presentation. Prerequisite: Course is only open to students who have accumulated 28 credits before taking the course.

#### Pretrial Practice - 4 credit hours (practicum)

Focuses on the handling and preparation of a civil case from the time a client walks in the lawyer's office to the eve of trial. Specific topics covered will include: client interviewing and counseling; tactical considerations of where and what to file; preparation of the pleadings; taking and defending discovery; interviewing witnesses; preparation of pretrial motions. Students will prepare a series of written documents and take part in a variety of in-class exercises.

#### Professional Responsibility - 3 credit hours (required course)

Instruction in the history, structure, goals, duties, values, and responsibilities of the legal profession, including instruction in the Model Rules of Professional Conduct. The course focuses on a lawyer's responsibilities and duties to clients, the legal profession, courts, and the public. Prerequisite: Introduction to Law

#### Property I - 3 credit hours (required course)

Introduction to the law of personal property and real property, including estates and other interests in land, real property marketing and conveyancing, landlord and tenant issues, nuisance, regulatory limitations on land use, and eminent domain and inverse condemnation. Prerequisites: Introduction to Law

#### Property II - 3 credit hours (required course)

A continuation of Property I. Prerequisite: Property I & Contracts I

#### Real Estate Transactions – 2-4 credit hours (practicum)

Focuses on how commercial and residential real estate is conveyed. Lecture will discuss legal theories of title, transfer, and ownership issues. Students will prepare written projects that will require research of title records, statutes, and precedent. Projects will follow real property as it is conveyed, mortgaged, leased, and foreclosed. Condominium issues and mineral rights transfers will be addressed. Students will work with a local attorney to gain experience in current issues. Skills elements of this course include real estate title search; drafting of purchase and sales agreements, deeds, mortgages, UCC statements, closing settlement statements, and leases; drafting and review of easements, attachments, and other encumbrances; and drafting and scheduling of foreclosure sale. Prerequisites: Contracts I & II; Property I & II

#### Regulation of Energy Markets and Utilities – 2 credit hours

This course will familiarize and provide the students with insight to state and federal utility law and regulation. The students will examine state and federal regulations as well as governmental power over electric, natural gas and oil markets. Students will explore and study administrative law issues, regulatory agencies, and the role of regulation.

#### Remedies - 3 credit hours (capstone and state practice elective)

A study of the forms of legal and equitable remedies, the substantive law of restitution, and the problems of measuring damages and non-monetary forms of remedy. Various remedies are explored in both litigation and alternative dispute resolution contexts.

#### Secured Transactions & Payment Systems - 3 credit hours (required course)

Secured Transactions is the study of consumer and business credit transactions in which a loan is consensually secured by an interest in personal property as governed by Article 9 of the Uniform Commercial Code (UCC). The



course examines the mechanics of creating and perfecting secured obligations, the application of a secured obligation to proceeds of collateral and after-acquired property, the effect of disposition of collateral by the debtor prior to satisfaction of the obligation, repossession and other rights of the secured creditor upon default by the debtor, priority rules between multiple creditors claiming security in the same collateral, and treatment of secured claims in a bankruptcy proceeding. Consideration is also given to non-consensual liens controlled in whole or part by other statutes or by common law. Payment Systems is the study of Article 3 of the UCC governing negotiable instruments and Article 4 of the UCC governing the check-collection process and the bank-customer relationship. Consideration is also given to related state and federal laws involving credit and debit card transactions, letters of credit, and electronic funds transfers. Prerequisites: Contracts I & II

#### Sustainable Energy Law - 4 credit hours (practicum)

Students explore the significant challenges facing the energy industry today, including climate change concerns, energy independence and security, traditional pollution, regulatory and litigation burdens, jobs, the price of electricity, "peak" supply, and increased energy demand. Students will gain an understanding of historical and current energy use, law and policy, both globally and nationally. The class is built around the following units: the international regime; national energy and environmental policy; coal law and policy; natural gas law and policy; transportation and oil; nuclear and renewable energy; and legislation and litigation. Students will represent nations in mock climate treaty negotiations; debate the "hot" energy issues of the day; and advise "clients" on energy-related regulations and agreements. Reading materials are compiled from source documents (treaties, regulations, laws and court decisions), government and industry studies and reports, and current commentary. There is a significant paper due at the end of the class.

#### The Law of Renewables – 2 credit hours

Examines the laws and policies designed to promote renewable energy development. Students review existing renewable energy technologies and the practical limitations on their development, siting and integration into the U.S. electricity grid. Students then explore the dominant renewable energy laws, including subsidies and tax credits, renewable portfolio standards, feed-in tariffs and net metering. While the primary focus is the regulation and development of renewable energy projects, students also explore the renewable energy policy arena and its implications, and the mechanics and issues associated with financing energy projects. Finally, the course also addresses legal, policy and economic and financing issues associated with the expansion and improvement of the transmission grid to support renewable energy development. While the focus is on renewable energy development in the U.S., some comparative examples of renewable energy policies used in other countries will be considered.

#### Torts - 4 credit hours (required course)

Reviews the standards and principles governing legal liability for intentional and unintentional invasions of interests of personality and property, including such topics as assault, battery, negligence, and strict liability. Prerequisites: Introduction to Law

#### Trial Advocacy - 4 credit hours (practicum)

Intensive course in the analysis, skills, and techniques of trials. The course includes simulated exercises on all aspects of in-court trial practice including opening statements, development of witness testimony on direct and cross-examination, use of illustrative aids and exhibits in evidence, impeachment, expert testimony, and summations. Each participant will take part in at least one full simulated trial.

#### Virginia Bar Studies – 1 credit hour

Tailored instruction on essay subjects tested on the Virginia bar exam. Prerequisites: see the prerequisites for Bar Preparation Studies

#### Virginia Civil Procedure - 3 credit hours (capstone elective)

Covers the subject of procedure from the point of view of practice in the Virginia state courts, with heaviest emphasis on civil procedure. Expected topics include self-help, subject matter jurisdiction, personal jurisdiction, service of

process, venue, parties, pleading, discovery, pre-trial motions, motions at trial, post-verdict motions, judgments, costs, and appeals.

#### Virginia Criminal Law and Procedure – 2 or 3 credit hours (capstone elective)

This course is a review of Virginia Statutes, Rules of Court and Virginia appellate decisions important to a basic understanding of Virginia Criminal Law and Procedure. Topics include Virginia Criminal Law and Procedure distinctions, jurisdiction, venue, preliminary hearings, grand jury, pre-trial motions, trial, sentencing and appeals.

#### Water Resource Law – 2 credit hours

Examines regulation of water systems by states and the federal government. Water is arguably our most important natural resource. This course explores increasing water scarcity, degraded water quality, stresses to watersheds, and public water supply issues stemming from aging infrastructure, global issues like international trade, management of waters shared with Mexico or Canada, and global warming. Policies governing water allocation and conservation are some of the most critical in our society. Topics also include the public trust doctrine, water allocation, pollution control, floodplains and wetlands conservation, storm water controls, "factory farms," endangered species preservation, and ecological restoration. When possible and relevant, speakers will be invited to present specific material to the class concerning current issues in water management and protection.

## Chapter 5 Academic Standards & Policies

### I. Function of These Standards

#### A. Comprehensive Rules and Interstitial Rulemaking

The function of these academic standards is to provide comprehensive rules for governing the academic rules to be applied to students of Appalachian School of Law (the School). To the extent the rules fail to provide adequate guidance for administering a particular aspect of the students' academic program, the Dean may adopt temporary rules which shall have full force and effect until the Faculty adopts a permanent standard.

#### B. Adoption and Amendment

The academic standards are adopted by majority vote of the Faculty and are subject to amendment by a majority vote of the Faculty.

#### C. Notice

These standards are notice to all applicants, students, faculty members, and others of the rules, regulations, policies, and procedures described herein. This notice exists without regard to whether one has actually taken the opportunity to read the standards; the School will deal with all interested parties on the assumption that they have informed themselves as to these standards.

#### D. Availability

The School will make efforts to provide reasonable access to these standards to interested people. This access may include availability of the standards at the School's law library.

### II. Status of Students

#### A. Full-time

All students must be full-time students, except those who have received special permission from the Dean. Full-time students must enroll in the complete prescribed sequence of courses for each semester in which they are enrolled. No full-time student may work more than twenty hours per week during any week in any term or semester for which the student is enrolled. The student bears the burden of proving compliance with this work limitation, and the School, at its sole discretion, may at any time require the student to provide proof of compliance. Any student who cannot prove satisfactorily the student's compliance with the work limitation shall be regarded as a part-time student, and the sanctions for exceeding the maximum student load for a part-time student will be imposed for any semester in which the student exceeded the maximum part-time load. Furthermore, violation of the work limitation is a Code of Academic Conduct violation and is therefore subject to additional sanction through that process.

#### B. Part-time

A part-time student is any student:

- (a) working more than twenty hours per week, or
- (b) taking eleven or fewer credit hours in a semester.

### III. Student Academic Conduct

#### A. Code of Academic Conduct

A student may be disciplined for conduct unbecoming a student of law. Conduct unbecoming a student of law includes, but is not limited to:

- (1) violating any rule or regulation of the School;
- (2) plagiarism, fraud, deceit, misrepresentation, or dishonesty;
- (3) violating any rule or regulation which would disqualify the student from taking the bar examination;
- (4) any conduct which if done by a lawyer would subject the lawyer to the disciplinary processes of any state bar;
- (5) harassing or engaging in hostile, threatening, or intimidating actions toward other law students, faculty, staff or administrators, in a manner disruptive of the academic programs;
- (6) refusing to attend professional counseling or submit to a psychological evaluation at the request of the School;
- (7) requesting that another person sign a student's name on the attendance sheet during a class that he or she did not attend, arrived late for or left early for; or signing another student's name on an attendance sheet.

With respect to conduct falling under Section III (A)(7), in addition to any other disciplinary actions deemed appropriate, a student shall be counted as absent during the class that he or she signed another student's name on the course attendance sheet or had another student sign the course attendance sheet on his or her behalf.

#### B. Duty to Report

Any student who has reason to believe a violation of the Code of Academic Conduct has occurred must report that belief to the Dean. Failure to do so is a violation of the Code of Academic Conduct.

#### C. Disciplinary Process

##### 1. Complaints for Violation of Code of Academic Standards

Complaints for violation of the Code of Academic Conduct, Section III (A), shall be handled in accordance with procedures set forth in these standards.

##### 2. Grading of Suspected Examination or Assignment

An instructor suspecting a violation of the Code of Academic Conduct on any class assignment or examination must report the violation to the Dean. The instructor should grade the assignment or examination as if no violation occurred and should then turn in the grades with the request that they be held by the registrar pending an investigation.

#### D. Procedures for Violation of the Code of Academic Standards

##### 1. In General

Complaints for violation of the Code of Academic Conduct shall be handled in accordance with the following procedures. For purposes of these procedures, a "business day" shall mean a day in which the School is open for business, regardless of whether classes are in session.

## 2. Jurisdiction

The Dean of ASL (Dean) has jurisdiction over the conduct covered by the Code of Academic Conduct.

## 3. Reporting Suspected Violation of the Code of Academic Standards

A professor, instructor, supervisor, or student suspecting a violation of the Code of Academic Standards shall notify the Dean in writing of the alleged violation.

## 4. Appointment of Investigation Committee

Upon receipt of the written allegation of the suspected violation, but in no event later than five (5) business days after receipt of the written allegation, the Dean or his or her designee will determine whether to convene an Investigation Committee. The Dean or his or her designee will appoint three faculty members to serve on the Investigation Committee and will designate one member as Chair and one member as Co-Chair. The Dean will convey notice of such appointment to members of the Investigation Committee in writing, including electronic means, no later than three (3) business days after the determination to convene an Investigation Committee.

## 5. The Task of the Investigation Committee

The Task of the Investigation Committee will be to investigate the allegation of the suspected violation by interviewing witnesses, collecting material, reviewing documents, and taking other measures as deemed necessary to investigate the allegation.

## 6. The Investigation

After receiving notification of being appointed to the Investigation Committee and receiving the written allegation, each member of the Investigation Committee will review the allegation. As soon as is practicable after such review, the Investigation Committee will begin the investigation. The Investigation Committee will:

- a. Notify the accused person of the investigation by a communication from the Chair;
- b. Establish applicable procedures with respect to the investigation and communicate those procedures to the accused person;
- c. Establish the date, place, and time at which the Investigation Committee will interview witnesses, including any possible online interviews, and take any written presentations;
- d. Interview any witnesses, including the professor, instructor, supervisor, or student who suspected a violation of the Code of Academic Standards and the person accused with such interviews taking place in person or online, such as with Skype; and
- e. Gather any material that will help determine whether the alleged violation occurred.

## 7. Report of the Investigation Committee

As soon as is practicable after the conclusion of its investigation, but in no event later than thirty (30) business days following the determination to convene an Investigation Committee, the Investigation Committee will submit a written report to the Dean containing its factual findings (Report). The Chair of the Investigation Committee will write the Report with input from the other members. The Report will state whether all three members of the Investigation Committee agree with the factual findings found in the Report. If all three members do not agree as to the factual findings, the dissenting member of the Investigation Committee may provide a dissenting report to the Dean (Dissenting Report) within five (5) business days of the submission of the Report. If the Chair of the Investigation Committee is the dissenting member, the Co-Chair shall write the Report with input from the other agreeing member. The Report or Dissenting Report may contain any other material that the Investigation Committee or the dissenting member deems appropriate to include.

## 8. Sanctions

Upon receipt of the Report and any Dissenting Report by the members of the Investigation Committee, but in no event later than fifteen (15) business days from the submission of the Report and any Dissenting Report the Dean shall determine whether a violation has occurred. If the Dean determines that a violation has occurred, the Dean shall determine the appropriate sanction. A sanction may be as follows:

- a. Expulsion from ASL;
- b. Suspension from ASL for a period up to one academic year, except that any such suspension will not have the effect of determining a grade received in any course;
- c. A letter of censure;
- d. The requirement that additional courses or credits be taken as a prerequisite to graduation from ASL;
- e. A sanction recommended by the professor, instructor or supervisor, including any recommendation as to the grading received for the course in which the violation occurred;
- f. A period of probation on such conditions as the Hearing Committee considers to be appropriate in addition to any other sanction or by itself; or
- g. Such other sanctions as may be commensurate with the circumstances, as determined by the Dean.

## 9. Record

A copy of the Report, the Dissenting Report if any, and accompanying material, together with any sanctions imposed by the Dean will be made available to the accused, the Dean, and the Associate Dean of Academic Affairs. A copy of the Report, the Dissenting Report if any, and accompanying material, together with any sanctions imposed by the Dean, will be kept in the Dean's Office for a period of three years from the accused separation from ASL whether by sanction or graduation.

## 10. Appeals

A student has the right to request an Appeal within five (5) business days of having the decision and sanction reported to him or her. The student may appeal by submitting a written petition, of no more than five pages, to the Dean. As soon as practicable but no later than ten (10) business days after receiving the written petition, the Dean shall meet with the student to hear the appeal. At that time, the student: (a) may present any additional evidence, documents, or written arguments that the student believes should be considered; and (b) shall have the opportunity to present oral argument on his or her behalf and/or appear through legal counsel. Following the Appeal meeting, the Dean shall have five (5) business days in which to affirm the prior determination and/or sanction, change the determination and/or sanction, or refer the case back to the Investigation Committee. If the case is referred back to the Investigation Committee, the process shall continue as set forth above in steps 7, 8, and 9, except that no further appeal shall be granted following a new determination by the Dean pursuant to step 8 above.

## IV. Curriculum

### A. Prescribed Curriculum

#### 1. Prescribed Curriculum Generally

All students must take the following courses, in the sequence specified by the Faculty: Bar Preparation Studies; Business Associations; Civil Procedure I; Civil Procedure II; Constitutional Law I; Constitutional Law II; Contracts I; Contracts II; Criminal Law; Criminal Procedure; Dispute Resolution; Estates and Trusts; Evidence; Externship; Family Law; Introduction to Law; Legal Process I and Strategies for Success; Legal Process II; two Practicum courses; Professional Responsibility; Property I; Property II; Secured Transactions and Payment Systems; and Torts. All students also must satisfy both the Seminar/Rigorous Writing Requirement and the Upper-Level Writing Skills Requirement. In addition, all students must take a prescribed number of Capstone Courses, including at least one State Practice Elective.

## 2. Part-time Sequence

For part-time students, the sequence of courses is arranged by the student with the Dean; however, prior to graduation, the part-time student must complete all courses required of full-time students.

## B. Deviations from Prescribed Curriculum

Absent permission of the Associate Dean for Academic Affairs, full-time students may not deviate from the prescribed sequence of courses.

## C. Failure to Complete a Course Successfully

Any student who, for whatever reason and in whatever fashion, does not successfully complete and receive credit in a required course must enroll in that course at the earliest available opportunity.

## D. Seminar/Rigorous Writing Requirement

### 1. Seminar Requirement Generally

Except as provided below, each student must take a Seminar, in which, under the supervision of the faculty member teaching the student's Seminar, the student will complete one paper which is either an expository or argumentative writing of at least twenty double-spaced, typed (or word-processed) pages of text exclusive of footnotes. Each seminar shall provide individualized assessment including review of and feedback on at least one draft prior to submission of the final written product.

### 2. Independent Study

Students may, with the permission of the Dean, take an Independent Study on a particular topic to fulfill the Seminar/Rigorous Writing Requirement. Students interested in pursuing an Independent Study must find a full-time professor who will agree to supervise their work, and the Independent Study must be completed within one semester. Under no circumstances shall an Independent Study be approved for use as a substitute for a required course other than the seminar/rigorous writing requirement.

### 3. Law Journal

Students who successfully complete four semesters of service on Appalachian School of Law Journal of Law or the Appalachian Journal of Natural Resources Law, including at least two semesters as a member of the Board of the Journal, and who produce a note, which the Board of the Journal and the Journal's Faculty Advisor deem publishable, may substitute such service for the Seminar Requirement or a two-credit upper level elective course, at the student's choice. In such cases, the student shall be awarded two semester credit hours for "Law Journal" at the end of the student's final semester. Successful completion of service on the Journal will be determined by the Journal's Faculty Advisor. Students may receive a total of two (2) credits for Law Journal, regardless of the number of notes the student prepares.

### 4. Moot Court

Students who successfully complete four semesters of service on the Appalachian School of Law Moot Court Board, independently prepare at least one brief, and compete in an interscholastic Moot Court competition may substitute such service for the Seminar Requirement. Students who successfully complete four semesters of service on Appalachian School of Law Moot Court Board and compete in an interscholastic Moot Court competition may substitute such service for a two-credit upper level elective course. In such cases, the student shall earn two semester credit hours for "Moot Court" at the end of the student's final semester. The Moot Court Program's Faculty Advisor(s) will determine whether students have successfully completed Moot Court service and are eligible for seminar or elective credit. Students may receive a total of two (2) credits for Moot Court activities, regardless of the number of competitions in which they compete.

## E. Upper-Level Writing Skills Requirement

Each student must successfully complete at least one course that has been designated by the Curriculum Committee as satisfying the Upper-Level Writing Skills Requirement.

## F. Community Service Requirement

Students are required to complete 25 hours of community service each semester. During their first semester, students satisfy this requirement by taking the mandatory Introduction to Community Service class. The Community Service Requirement may be waived by the Associate Dean for Academic Affairs for students on Academic Probation.

## G. Bar Preparation Studies Course

All students are required to successfully complete the Bar Preparation Studies Course prior to graduation, subject to the following exceptions. Students who meet the following criteria may opt out of the Bar Preparation Studies Course, with faculty approval:

- (1) The student must have achieved a 3.00 or higher Academic Standards GPA after the Spring Semester of their 2L year (NOTE: Students whose Academic Standards GPA falls below 3.00 after the Fall semester of their 3L year will be required to adjust their Spring semester enrollment to include Bar Preparation Studies);
- (2) The student must have scored 145 or higher on the LSAT;
- (3) The student must not have received 8 or more credits of Not Proficient grades; AND
- (4) The student must not have been placed on academic probation at any time.

## V. Registration

### A. Normal Registration Times

Registration times for each semester or term shall be set by the Dean.

### B. Late Registration

Failure to register during the normal registration time for a semester or term will cause a student to lose any priority in registration.

### C. Add/Drop Policies

#### 1. Normal Time Period

Students may change from one section to another in a course with optional topics (e.g., Seminar or Practicum offerings) during the first week of a semester if space is available.

#### 2. Absences Prior to Enrolling in a Section

Absences from class sessions prior to shifting into a new section of a course with optional topics will be counted toward the total number of absences from the class.

### D. Withdrawal From Courses

At any time between the end of the add/drop period specified in Section V(C)(1) and the mid-way point in a course, a student may, with permission of the Associate Dean for Academic Affairs, drop a course and receive the grade of "W." The "mid-way point" means the time when 50% of the class minutes for a course have been held. At any time after the mid-way point in a course, a student who withdraws from a course shall receive



the grade of "F." A student who withdraws from all courses and is granted a leave of absence shall receive the grade of "W" for all courses.

### E. Maximum Student Load

At no time may a student be enrolled in coursework that, if successfully completed, would exceed 20 percent of total coursework required by the School for graduation.

## VI. Attendance

### A. Required Class Attendance; Computer Use

Regular and punctual class attendance is required of all students in all courses. Attendance shall be taken in all courses. Attendance sign-in sheets shall be used, and students have the responsibility for making sure that they sign the sheet. Any student requesting that another person sign his or her name on the attendance sheet during a class that he or she did not attend, arrived late for or left early for; or any student who signs another student's name on an attendance sheet shall be deemed in violation of the Code of Academic Conduct (see Section III(A)(7) of the Academic Standards). Use of computers during class periods for any purpose other than note-taking is prohibited. The instructor may establish a more restrictive computer use policy.

### B. General Rule

No student may miss more than fifteen percent (15%) of the class meetings in any course or seminar. For example, for a course that meets three times per week, a student may miss no more than five classes; for a course that meets twice a week, a student may miss no more than four classes; for a course that meets once a week, a student may miss no more than two classes. A student who is tardy or who exits class early may be marked as absent. Under no circumstances shall a Professor be permitted to allow a student to "make up" an absence from a regularly scheduled class. Any student exceeding the maximum number of absences in a course shall receive the sanction set forth in Section VI (E) of the Academic Standards.

Externship Orientations and Debriefings are not subject to this General Rule. Absences from Externship Orientations or Debriefings may be excused by the Externship Director, for good cause evidenced in writing by a student requesting an excused absence.

### C. Instructor's Rule

An instructor may establish more restrictive class attendance policies if the students are notified in writing during the first week of classes. A student who is present but unprepared for class may be marked as absent if the instructor adopts this policy in writing during the first week of the semester. The student found to be absent because the student is unprepared shall be so advised by the instructor during or immediately after the class in question.

### D. Exclusions

A student's absence from any class meeting, if in observance of the student's religion or conscience shall not be computed toward the maximum number of absences.

### E. Sanctions for Excessive Absences

Any student who misses more classes than allowed by the above formula or an instructor's particular policies shall not be permitted to take the final examination or submit additional work. A student who misses more than the allowed number of classes in a course has not met the course requirements, and though the absences may be for good cause, such as sickness or death in the family, the student should re-take the course rather than sit for the examination or attempt the graded assignments. In the case of extraordinary circumstances, a student may petition, in writing delivered to the Associate Dean for Academic Affairs, for permission to

withdraw and receive a grade of "W" as provided in Section VI (G) of these Academic Standards. In all other cases in which absences are excessive, a grade of "F" shall be given.

## F. Notice

Students must keep track of their absences. The School is under no obligation to notify students when their absences exceed the limits noted above.

## G. Extraordinary Circumstances

In extraordinary circumstances, a student who receives a failing grade due to excessive absences may petition the Associate Dean for Academic Affairs for relief. Upon proof of extraordinary circumstances, such as serious personal injury or illness; serious illness, injury, or death of a member of the student's immediate family; attendance at school-sponsored academic events (such as interschool moot court, mock trial, negotiation, mediation, or client counseling competitions); or any other exceptional circumstance beyond the student's control which prevented the student from meeting attendance requirements, the Associate Dean for Academic Affairs may withdraw the failing grade and grant a withdrawal ("W") in the course. Any petition for change of grade from an "F" to a "W" under this subsection must be made within two weeks of the date the student is notified that the student's absences exceed the limit, or within two weeks of the date that a grade of "F" due to excessive absences is mailed or posted. A decision of the Associate Dean for Academic Affairs may be appealed to the Dean. The decision of the Dean upon appeal is final and not subject to further review or appeal.

## VII. Examinations

### A. Anonymity

#### 1. Confidential Grading Numbers Assigned

Each semester all students enrolled at the School are assigned a number to use instead of their name or Social Security number on School examinations. These grading numbers are confidential.

#### 2. "Blind" Examination Grading

Instructors are expected to inform students about course evaluation procedures at the beginning of each course. Students enrolled in classes in which the primary means of evaluation is an examination receive a "blind" examination grade. In those courses, the instructors assign grades to examinations without knowing the name or identity of the test taker. After instructors turn in the "blind" examination grades for their courses, they have the opportunity to match student grading numbers with student names. Instructors will then calculate final grades based on the evaluation procedures announced at the beginning of the course, including reflecting credit for additional course work or assignments, class participation, and other factors relevant to evaluating student work.

#### 3. Retention of Work upon which Grades Are Based

The School will retain examinations and other written work on which a student's grade for a given course is based until the student has graduated, permanently transferred, withdrawn or been academically dismissed from ASL. Students will be permitted to review written work upon which a grade is based up to two weeks prior to the commencement of exams for the semester following the one in which the course was taken. Exams and other written work may be stored and/or reviewed, at the option of the Professor, either in the Registrar's Office, or a secure area designated by the Registrar's Office, or the Professor's office. If a Professor chooses to retain written material in his/her office, the Professor shall be responsible for the security of the material and shall only permit students to review the material in the Professor's, or a designated individual's, presence.

## B. Departure from Examination Schedule

### 1. General Rule

All students shall take examinations as scheduled. No student has the right to defer an examination. A student who fails to sit for an examination when scheduled, or who does not defer an examination according to these procedures, shall receive a failing grade in the course. Once a student receives notification of a grade, no petition for grade change shall be considered if the circumstances set forth in the petition demonstrate that the student should have, but did not, ask for an examination deferral.

### 2. When Deferral is Permitted

A student is permitted to defer an examination only for good cause. Good cause includes serious personal injury or illness; serious illness, injury, or death of a member of the student's immediate family; and any other similar emergency beyond the student's control which prevents the student from sitting for the examination when scheduled.

### 3. Procedure for Deferral of Examination

No student may have an examination deferred without first applying to the Associate Dean for Academic Affairs for permission to defer an examination. Permission to defer an examination must be obtained prior to the scheduled examination day, unless the cause for deferral occurs on the examination day, and is due to circumstances beyond the student's control. Students who must defer a scheduled examination shall submit to the Associate Dean for Academic Affairs a written statement setting forth the nature of the emergency as soon after the emergency arises as is practicable, and should submit supporting documentation of the illness or emergency. If the Associate Dean grants permission to defer an examination, the Registrar shall notify the instructor whose examination is to be deferred. At the instructor's discretion, a new examination may be given to the student whose examination has been deferred. The revised examination date shall be set by the Associate Dean for Academic Affairs. The examination should be taken before the beginning of the next semester, except in extraordinary circumstances. Any appeal of the Associate Dean's decision shall be made, in writing to the Dean. The decision of the Dean on appeal is final and is not subject to further appeal or review.

## C. Take-Home Pass/Fail Remedy for Extraordinary Circumstances

In the event of a student's excused omission of a scheduled examination, the Dean may approve having the student take an appropriate take-home exam for the course on a pass/fail basis. The student taking an examination in this manner waives all right to anonymity.

## D. Examination Accommodations for Students with Disabilities

Students with medically verifiable disabilities may be provided extra time or other reasonable accommodations for completing examinations. Petitions for accommodations must be made to the Associate Dean for Academic Affairs at least 30 days prior to the commencement of the examination period pursuant to the process established in Chapter 1 of the Catalog & Handbook. Each petition should be accompanied by evidence of the medical condition and evidence detailing the accommodations which have been provided the student in past educational settings or examinations. Particular weight is given to accommodations provided in taking the LSAT. The student whose request is granted is responsible for making appropriate arrangements with the School Administration. The decision of the Accommodations Committee may be appealed by petition, in writing, delivered to the Dean within 10 days following the decision. The decision of the Dean on the appeal is final and not subject to further appeal.

## E. Use of Typing or Computer Equipment on Examinations

### 1. Machines with Permanent or Retained Memory Devices

Except as provided for in Section VII (E)(4), students may not use computers, word processors, or other machines with permanent or retained memory functions on closed-book examinations, and may not use computers, word processors, or other machines with permanent or retained memory functions on open-book examinations unless the instructor informs the entire class in the syllabus that these are permissible.

### 2. Students with Disabilities

The rules in this part of VII (E) apply to students with medically verifiable disabilities. However, students with medically verifiable disabilities may use other necessary devices, such as dictation equipment, in examinations, if the use of the device is supported by medical evidence and approved by the Dean. Petitions to use such devices must be made (along with any other request for reasonable accommodations) to the Associate Dean for Academic Affairs within 30 days of the start of any semester for which the student desires use of the device or devices. Each petition should be accompanied by evidence of the medical condition and evidence of use of this or similar devices in past educational settings or examinations. Particular weight is given to the accommodations provided for taking the LSAT. The student whose request is granted is responsible for making appropriate arrangements with the School administration. The decision of the Accommodations Committee may be appealed by petition, in writing, delivered to the Dean within 10 days following the decision. The decision of the Dean on the appeal is final and not subject to further appeal.

### 3. Exam Software

Students may use a computer in conjunction with school-approved exam software on examinations for which such use has been approved by the instructor and the Registrar. In order to elect to use exam software on approved examinations, students must comply with all procedural requirements set forth by the Registrar. Students may not use typewriters on closed book, open book or any other type of examination.

## F. Exam Administration Procedures

Rules for the administration of final examinations shall be prepared by the Registrar, or an individual designated by the Dean, and approved by the Dean each semester. These Rules shall be reduced to writing and distributed to all students prior to the start of final examinations. A student who fails to comply with any examination rule may be subject to administrative sanction including a grade reduction, examination time reduction, or any other sanction deemed by the Dean to be appropriate under the circumstances.

## VIII. Papers and Projects

### A. Anonymity Optional

In any course which requires papers or projects other than in-class or take-home examinations, the instructor for the course may, but need not, make such arrangements for anonymous grading of such papers or projects as he or she deems appropriate.

### B. Citation Rules

The responsibility for learning the proper forms of citation lies with the individual student. Quotations must be properly placed within quotation marks and must be fully cited. In addition, all paraphrased material must be completely acknowledged. Whenever ideas or facts are derived from a student's reading and research, the sources must be clearly indicated.

## C. Own Work Requirement

### 1. Identification of Sources

All work submitted to meet course requirements is expected to be the student's own work. In the preparation of work submitted to meet course requirements, students should always take great care to distinguish their own ideas and knowledge from information derived from other sources. The term "sources" includes not only published primary and secondary material, but also information and opinions gained directly from other people.

### 2. Collaboration

Collaboration in the completion of assignments is prohibited unless explicitly permitted in writing by the instructor. Students must acknowledge any collaboration and its extent in all work submitted.

### 3. Resolution of Doubts

Students who are in any doubt about the preparation of academic work should consult their instructor before it is prepared or submitted. Students who, for whatever reason, submit work that is either not their own or that does not include clear attribution of all sources will be subject to disciplinary action.

## D. Double Dipping

Students may not submit one paper for two or more courses or seminars. If a student wishes to create a second paper which draws in any way on work previously used for academic credit, the student must consult with both the instructor to whom the initial work was submitted and with the instructor to whom the new work will be submitted. Before the student may use the prior work, both instructors must certify in writing that the new work is of sufficiently greater scope or depth to warrant the use of the prior work for new academic credit. The instructors involved in each instance should discuss appropriate ways to make sure that the submitted work meets this greater burden prior to giving their written approval of the proposed use. This rule applies to all course offerings whether at the School or elsewhere. A student who submits the same, or substantially the same, work in more than one course (whether it is the whole of the second work or only a portion thereof) without obtaining such prior written approval will be subject to disciplinary action.

## IX. Grades and Grading Policies

### A. Grades

#### 1. Available Grades

The grades for first year students at the School shall be Proficient, Not Proficient, and F. The grades for second and third year students at the School shall be A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D-, F, I, W, X, P, AU and CR.

#### 2. Course Credit

Grades A+, A, A-, B+, B, B-, C+, C, C-, D+, D, D-, P, Proficient, and Not Proficient are passing grades and confer credit for the course. The grade of F is a failing grade and confers no credit. Grades W, X, I, and AU are neither passing nor failing and they confer no credit. CR indicates credit conferred for courses transferred from other institutions, but no grade is assigned.

#### 3. Interpretations and Uses of Grades

##### i. A+

A grade of A+ is given to any student who completes the requirements for a course and does so in a fashion that is far above the level of a merely outstanding performance. This grade is reserved for rare occasions and

often is given only once, if at all, in a particular course. This grade confers credit for the course and is calculated in the grade average at the numerical value of 4.33.

ii. A

A grade of A is given to any student who completes the requirements for a course and does so in a fashion that is truly outstanding for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 4.00.

iii. A-

A grade of A- is given to any student who completes the requirements for a course and does so in a fashion that is generally outstanding work (but lacks slightly the consistency associated with truly outstanding work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.67.

iv. B+

A grade of B+ is given to any student who completes the requirements for a course and does so in a fashion that is very good, but not outstanding, work for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.33.

v. B

A grade of B is given to any student who completes the requirements for a course and does so in a fashion that is good solid work for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 3.00.

vi. B-

A grade of B- is given to any student who completes the requirements for a course and does so in a fashion that is generally good work (but lacks slightly the consistency associated with truly good work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.67.

viii. C+

A grade of C+ is given to any student who completes the requirements for a course and does so in a fashion that is above the level of mere competence (but not rising to the level of good) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.33.

viii. C

A grade of C is given to any student who completes the requirements for a course and does so in a fashion that is competent (but no more) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 2.00.

ix. C-

A grade of C- is given to any student who completes the requirements for a course and does so in a fashion that is marginally competent work (but lacks the consistency necessary for truly competent work) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.67.

x. D+

A grade of D+ is given to any student who completes the requirements for a course and does so in a fashion that reflects more than minimal skill (but does not rise to the level of competence) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.33.

xi. D

A grade of D is given to any student who completes the requirements for a course and does so in a fashion that reflects minimal skill but not competence for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 1.00.

xii. D-

A grade of D- is given to any student who completes the requirements for a course and does so in a fashion that generally reflects some minimal skill (but no more) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course and is calculated in the grade average at the numerical value of 0.67.

xiii. F

A grade of F is given to any student who (a) completes the requirements for a course and does so in a fashion that is not acceptable at all and demonstrates none of the skill or talent generally found in a law student and future lawyer at this stage of his or her education or (b) does not complete the requirements for the course in a timely fashion or (c) violates Section VI(B) of the Academic Standards. This grade confers no credit for the course and is calculated in the grade average at the numerical value of 0.00. A grade of F received in a course graded under the Proficient/Not Proficient system confers no credit for the course, but shall not be calculated in the student's grade average.

xiv. I

No grade of I is ever given without the prior approval of the Associate Dean for Academic Affairs. An I is given to a student who has not completed the requirements for a course in a timely fashion, but, having demonstrated good cause as to why the work is not complete, has arranged with the Associate Dean for Academic Affairs and the instructor to complete the work within no more than six months, or when the sequence of curricular offerings warrants and the Associate Dean for Academic affairs has approved, a longer period not to exceed on calendar year. After on calendar year, an unresolved I becomes an F. At no time does an I confer credit for the course, and it is not calculated in the grade average.

xv. X

A grade of X is posted on the transcript if the student through no fault of his or her own has not yet received a grade for a course. This grade covers those situations in which a course is expected to take more than one semester to complete. The X grade does not confer credit for the course and is not calculated in the grade average.

xvi. W

Subject to section V(D), a grade of W is posted on the transcript when a student withdraws from a course. This withdrawal may only be done with permission of the Associate Dean for Academic Affairs. The W grade confers no credit and is not calculated in the grade average.

#### xvii. P

A grade of P is given to any student who passes a pass/fail course. This grade confers credit for the course, but is not calculated in the grade average.

#### xviii. AU

A grade of AU is given to any student who audits a course. This grade is not calculated in the grade average. A student may audit a course with permission of the instructor and the registrar.

#### xix. Proficient

A grade of Proficient is given to any student who completes the requirements for a course and does so in a fashion that is competent for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course.

#### xx. Not Proficient

A grade of Not Proficient is given to any student who completes the requirements for a course and does so in a fashion that is only reflects minimal skill (but does not rise to the level of competence) for a law student and future lawyer at this stage of his or her education. This grade confers credit for the course.

Pursuant to resolutions adopted by the faculty in 2015-16 for implementation in 2016-17 and beyond, students who receive a grade of not proficient will be given an opportunity to demonstrate proficiency by either retesting in a subsequent semester (in subjects where the grade is earned substantially on the basis of a student's performance on a final exam) or engaging in supplemental work and retesting until proficiency with the course material is achieved before a student may enroll in Bar Preparation Studies. A student's failure to demonstrate proficiency in a subject may result in delaying graduation since demonstrating proficiency is a prerequisite for a course required for graduation. Supplemental work must be coordinated through the Associate Dean and the Director of Academic Success or their designee. Once a student obtains proficiency in a subject either through retest or supplemental work and retest, the Associate Dean will prepare a letter to go into the student's academic file for each course in which a student has to demonstrate proficiency to notify the registrar that the student may enroll in Bar Preparation Studies

### 4. Calculating Grade Averages

Students shall receive two grade averages: a "cumulative grade average" which includes all letter grades received, and an "academic standards grade average" which includes all letter grades except for those received in the Externship course. The "academic standards grade average" shall be used only for purposes of determining academic dismissal, academic probation, and graduation eligibility subject to Sections X and XII (3) of these Standards. The "cumulative grade average" shall be used for all other purposes, including Dean's List and Class Rank, pursuant to Section IX (E). Decisions regarding award and retention of academic scholarships are within the discretion of the Dean, who shall not be limited by these grade average definitions.

The grade average is obtained in the following fashion: First, multiply the numerical value of each grade received by the number of credit hours for the course. This product is referred to as quality points. Second, add all of a student's quality points. Third, divide the sum of the student's quality points by the total number of credit hours for which the student has received a grade with numerical value (graded credit hours). The resulting number is the grade average. The grades of Proficient and Not Proficient have no numerical value.

The grade average of transfer students enrolled in a combination of Proficient/Not Proficient courses and numerically graded courses shall be calculated based on the numerically graded courses. If any student receives a grade of "F" in a Proficient/Not Proficient course, such grade will be calculated into the grade average. No student shall be eligible to receive a class ranking until he/she has completed at least twelve (12)



credit hours of numerically graded courses at ASL. (See Section XI (E) of the Standards regarding treatment of transfer credits for purposes of calculating grade averages.)

## B. Pass/Fail Grading

### 1. Pass/Fail Grading Generally

Any course in which grades with numerical value are not expected to be given will be graded on a pass/fail basis. Students who pass the course receive a P for the course. In order to receive a P, a student must perform at a level of work equivalent to a C- or above in a letter-graded course. Failure of a pass/fail course results in an F being posted on the transcript. This grade of F will be calculated into the grade average.

### 2. Pass/Fail Grading in Retaking Failed Course

Students who retake a failed course are graded in that course on a pass/fail basis.

### 3. Pass/Fail Only for Entire Class

Absent approval of the Associate Dean for Academic Affairs, pass/fail grading may only be used for an entire class, and no student or students shall be given a pass/fail option either before or after grades with numerical value are released. Law Journal, Moot Court, Independent Study and Assistantship credit shall be graded on a pass/fail basis.

## C. Grade Standards

### 1. Generally

For Torts, Criminal Law, Contracts I and II, Property I and II, and Civil Procedure I and II, the total number of Proficient grades shall not exceed 85% of the total number of students in the class. For Legal Process I and II, the total number of Proficient grades shall not exceed 88% of the total number of students in the class. While the maximum number of Proficient grades an instructor can award is 85%, or 88% in Legal Process I & II, of the total number of students in the class, instructors (who must adhere to the ethics of both the legal profession and academia) are obligated to award grades of Not Proficient to ALL students whose work product only demonstrates minimal skill (but does not rise to the level of competence) and to award grades of F to any student who (a) completes the requirements for a course and does so in a fashion that is not acceptable at all and demonstrates none of the skill or talent generally found in a law student and future lawyer at this stage of his or her education or (b) does not complete the requirements for the course in a timely fashion or (c) violates Section VI(B) of the Academic Standards. In all required upper level courses (except as provided in section 2 below), the total grade average for all students shall not exceed 3.00. The Externship Course shall not be subject to a maximum grade average. However, no student shall receive a grade higher than "A" for the Externship Course.

### 2. Seminar, Practicum, and Elective Courses

For all sections of Seminar, Practicum, and Elective courses, the total grade average for all students in the section shall not exceed 3.33 without the approval of the Dean.

### 3. Submission of Final Grades

Final grades are to be submitted to the Dean, who will check for their compliance with the grading standard. Grades in compliance will be recorded, and grades not in compliance will be returned to the instructor.

### 4. Failure to Bring Grades into Compliance

If an instructor, after a reasonable period of time, fails to bring the grades for a course into compliance with the grading standards, the Dean shall act in his or her discretion to bring the grades into compliance.

## D. Changing Grades to Correct Arithmetical or Administrative Error or at the Instructor's Request

After an instructor has submitted grades to the Dean, the grades are final and may not be changed except as provided in this Part IX. The Dean shall freely allow changes requested by an instructor in the case of a grade which was incorrectly given as a result of an arithmetical, administrative, or other "mechanical" error. The Dean shall allow other grade changes requested in writing by an instructor only when the Dean determines that most extraordinary circumstances exist. Instructors must submit requests for grade changes within fourteen days of the release of grades to students for a semester or summer term or prior to the release of class ranks following the term, whichever comes first.

## E. Dean's List and Class Rank

At the conclusion of each semester during the 2L and 3L years of study, the Dean will publish the Dean's List. The Dean's List is comprised of all full-time upper level students who rank in the top 25% of their class for the courses taken during that semester, based on cumulative grade average. Students who have received permission from the Dean to enroll as a reduced load or part time student will be ranked with students who are at a similar stage of their progress towards a J.D. and have no more than eleven more or eleven less numerically graded credit hours than the part time student, and for purposes of degree honors will be ranked against the class they graduate with rather than the class they started with. As a result, December grads will be ranked with the students from the previous May. No Dean's List will be prepared for the 1L year.

Continuously enrolled students of ASL shall receive a class rank after the distribution of grades for the fall semester of the second year of study, assuming the completion of at least twelve (12) credit hours of numerically graded courses. Such rank shall be based on grades in all numerically graded courses, including the Externship course, through the most recent completed semester. Visiting and Transfer students shall receive analogous class rankings once the requisite twelve (12) credit hours of numerically graded courses have been completed. Such analogous rankings will be calculated as if the student was continuously enrolled at ASL from the beginning of the first year of study, but shall not displace any continuously enrolled student. Analogous class rankings shall be denoted by an "(A)" on the student's transcript.

## F. Intercessional Courses

Grades received for courses taken during the January Intersession will not be included as part of a student's academic standards GPA or considered for purposes of determining the Dean's List until the end of the immediately following Spring Semester. Grades received for courses taken during the May and August Intersession will not be included as part of a student's academic standards GPA or considered for purposes of determining the Dean's List until the end of the immediately following Fall Semester.

## X. Student Retention

### A. Student Is on Notice of Own Grades and Grade Average

Every student shall be deemed to be on notice of the student's own grades and grade average as well as these rules for student retention. Any student who by virtue of these rules has been dismissed from the School, but who nevertheless attempts to continue enrollment and attendance in classes is responsible for tuition and fees charges incurred by the student's fraudulent attendance at the School.

### B. Good Standing and Dismissal

#### 1. Good Standing Defined

A student is considered to be in "Good Standing" at the School if (a) the student has not been dismissed for academic or non-academic reasons; (b) the student is not currently on academic probation, and (c) the student currently is in compliance with the Community Service Requirement.

## 2. Academic Dismissal

If, after one semester of school a student has received more than 12 credit hours of "Not Proficient" or "Fail" grades, or after two semesters in the School a student has received more than 16 credit hours of "Not Proficient" or "Fail" grades, such student shall be dismissed from the School for academic deficiency and may not be placed on probation. If after two semesters in the School, a student has received 12 to 16 credit hours of "Not Proficient" or "Fail" grades, such student shall be dismissed from the School for academic deficiency but may petition to be placed on academic probation. At any time after three semesters in ASL, any student with an academic standards grade average below 2.10 shall be dismissed from school for academic deficiency. Upon receiving notice that his or her academic standards grade average is below 2.10, or in the case of a first year student, that he or she has received 12 to 16 credit hours of "Not Proficient" or "Fail" grades, a student may seek probationary status in accordance with Section X (C) of these standards by executing and filing a Request to Petition for Probation with the Office of the Dean. Upon such filing, the student will be granted Interim Probationary Status. Failure to file the petition within three working days of filing the Request to Petition for Probation will result in automatic denial of probation.

If the Committee grants the student's petition, his or her status will automatically convert from Interim Probationary to Probationary, subject to any conditions imposed by the Committee in addition to the retest and supplemental work described in IX.A.3.xx required to meet the prerequisites required for Bar Preparation Studies. If the Committee denies the petition, the student will be immediately withdrawn from law school. The denied student will receive no credit for the semester in which the student was in Interim Probationary Status, and the tuition paid for that semester will be refunded.

A student in Interim Probationary Status or in Probationary Status has not been dismissed from the School for purposes of Section X(B)(1).

## C. Probation

### 1. At Discretion of the Academic Standards Committee

Except as provided in the last sentence of this paragraph, students who are dismissed for academic deficiency may petition to be placed on probation. The student's petition shall be submitted to the Dean, who shall refer it to the Academic Standards Committee. The Academic Standards Committee may grant the petition if the Committee finds (a) the student faced extraordinary circumstances which unquestionably greatly interfered with his or her ability to perform at the level he or she would perform in law school absent those extraordinary circumstances, (b) the extraordinary circumstances no longer exist, and (c) it is highly probable that the student's performance, absent the extraordinary circumstances, will result in an academic standards grade average of 2.10 or greater after completion of the probationary semester. A decision by the Committee to grant a student's petition must be by the affirmative vote of a majority of the members of the Committee. A student is ineligible to petition for probation if one or more of the following circumstances exist: (a) the student has at least 15 credits of traditionally graded courses from ASL and an academic standards grade average below 1.90, or in the case of a first year student, has more than 16 credit hours of "Not Proficient" or "Fail" grades, at the time of the petition; or (b) the student was on probation during the immediately preceding semester and the student's cumulative grade point average did not increase at the end of that semester, or in the case of a student placed on probation during the first semester of his or her second year, the student's grade point average is below 1.90; or (c) the student already has been on probation for two semesters.

Students transferring from another institution as an upper level student who are enrolled in any course graded by the standards of Proficient/Not Proficient and who have an academic standards grade average of 2.1 or above, must petition the Academic Standards Committee if they receive a grade of Not Proficient in any course. The Academic Standards Committee will determine whether the student should be placed on academic probation or may continue without probation. If the student's academic standards grade average is below a 2.1, such student is subject to the academic dismissal provisions of Section X(B)(2), as set forth above.

## 2. Terms and Conditions

The Academic Standards Committee may grant probation subject to any terms or conditions it deems appropriate, including but not limited to (a) requiring the student to successfully complete specified undergraduate courses before resuming law courses, (b) mandating a leave of absence by the student, (c) imposing a lighter course load (with the result of delaying the student's graduation), or (d) limiting the student's extracurricular and/or co-curricular activities.

## 3. Resolution of Probation

A student whose academic standards grade average remains below 2.10 after any semester in which he or she was on academic probation shall be dismissed for academic deficiency, unless the student petitions the Academic Standards Committee for an extension of the probation and the petition is granted. Such petitions may be granted only in the rarest of circumstances. A student is ineligible to petition for probation if one or more of the following circumstances exist: (a) the student has an academic standards grade point average below 1.90 at the time of the petition; or (b) the student was on probation during the immediately preceding semester and the student's academic standards grade point average did not increase at the end of that semester, or in the case of a student placed on probation during the first semester of his or her second year, the student's academic standards grade point average is below 2.00; or (c) the student has already been on probation for two semesters.

## 4. Faculty Notice

The Academic Standards Committee will notify all tenure track faculty by confidential means of the names of students being considered for academic probation, as well as the time and place of the meeting. Faculty who wish can attend the meetings, address the Committee, or provide any information helpful to the Committee in making its decisions.

## 5. Finality of Decisions

The Academic Standards Committee's decisions regarding granting or denying a student petition for probation are final, notwithstanding any other provisions of these Academic Standards.

## 6. Requests for Reconsideration of a Decision on Probation

Absent extraordinary circumstances, a student who has been denied probation by the Academic Standards Committee may request reconsideration of that decision only if:

- (1) the student's academic standards grade average is 2.00 or above;
- (2) the student has waited one year before applying for reconsideration; and
- (3) the student has demonstrated - by academic achievement in non-law school settings, community service activities or professional employment - that he or she would likely succeed in raising their academic standards grade average to 2.10 or greater after completion of the probationary semester.

If the student's petition for reconsideration is granted, the student will be readmitted on probation.

## D. Re-starts

### 1. Re-start Available in Extraordinary Circumstances

The Academic Standards Committee, in its sole discretion, may allow a student who has been dismissed for academic deficiency to re-enroll and re-start ASL program if the Committee finds the student (a) faced extraordinary circumstances which unquestionably, greatly interfered with his or her ability to perform at the level he or she would perform in law school absent those extraordinary circumstances and (b) the

extraordinary circumstances no longer exist. A decision by the Committee to allow a student to re-start must be by the affirmative vote of a majority of the members of the Committee.

Students with an academic standards grade average of below 1.9, but at least 1.70 or greater, after the first semester following the first year of law school, may apply to re-start the second year of the academic program in the following Fall Semester if they earned at least 27 credits of Proficient in the first year. Students who were eligible for and applied to be placed on academic probation for the second semester following the first year of law school, but were denied, may apply to re-start the second year of the academic program in the following Fall Semester. Applications to re-start the second year of the academic program shall be subject to the same standards as set forth in the immediately preceding paragraph.

Students who have been academically dismissed from ASL, and are seeking readmission must apply under this provision (or Section X (C)(6) if applicable). Such students may not seek readmission through the regular Admissions process. Students who were previously dismissed from another law school, and are deemed by the Admissions Committee to be acceptable for admission, shall be referred to the Academic Standards Committee for final admission decision. The Academic Standards Committee may place any conditions it deems appropriate on the admission of such students.

## 2. One Year Delay before Re-start

A student who is permitted to re-start ASL program must re-start in the Fall semester and must wait at least one semester after dismissal before re-starting.

## 3. Effect of Past Performance

A student who is permitted to re-start will not receive credit for any courses taken before the re-start regardless of the grade received in the course. The prior performance will remain on the transcript. However, the transcript will clearly state that the student has re-started, and the prior grades will not affect the grade average.

A student who is permitted to re-start the second year of the academic program will not receive credit for any courses taken in the semester following the first year of law school, regardless of the grade received in the course. The performance from that semester will remain on the transcript. However, the transcript will clearly state that the student re-started the second year, and grades from that prior semester will not affect the grade average. The student will receive credit for all first year courses in which they received a grade of Proficient or Not Proficient, and for any grade in the Externship Course which confers credit pursuant to Section IX (A)(2) of these Standards.

## 4. Appeals

A decision by the Academic Standards Committee declining a student's request for re-start may be appealed by the student in writing to the Faculty as provided in Part XIII of these Standards.

## XI. Leaves of Absence, Visits, Readmissions, and Transfers

### A. Leaves of Absence

The Dean may grant a leave of absence to a student who requests the leave. The term of the leave shall be clearly stated at the time the leave is granted. Any extension of the leave requires the permission of the Dean. A student who has not completed the first calendar year of the program and obtains a leave of absence may need to restart the first year from the beginning. Credit for prior completion of courses is granted at the sole discretion of the Dean. The decision of the Dean is final and is not subject to further review or appeal under these Academic Standards.

## B. Visits to another Law School

The School will not accept more than six credit hours from visits to other law schools, including summer study.

## C. Readmissions

A student who has left the School in good standing and other than to take a leave of absence may apply for readmission under this Section XI (C) of these Standards. Applicants should submit an application, a short essay on their reasons for applying for readmission, and, if they have attended another law school subsequent to their departure, a letter of good standing from the dean of such school and an official transcript.

## D. Transfers

A student who has attended another law school may be eligible for admission as a transfer student if the student has attended an ABA approved law school, the student is in good standing and is eligible to continue the study of law at that law school as demonstrated by a suitable letter from the dean of that school, and the student's performance at the law school of origin was of acceptably high quality, as documented by an official transcript. The transfer applicant should also submit a copy of his or her LSDAS report. Transfers from schools not approved by the ABA will be considered on a case-by-case basis.

## E. Transfer of Credits

The School will normally not accept more than 30 hours of transfer credits from other law schools. Grades of less than a C (or the equivalent) will not be eligible for transfer, and transfer credits will be treated on a pass-fail basis for the purpose of computed grade point averages. Students receiving transfer credits must still meet the graduation requirements set forth in Part XII of these standards, except that (a) transfer credits from courses substantially identical to the course required in Section XII (A)(1) of these standards may be used to meet the course requirements of that section, and (b) up to 15 hours of transfer credits may substitute for the course requirements of that section even if not substantially identical, provided, however, that non-substantially identical substitutions may not be made for:

- (1) Contracts I and II, Torts, Property I and II, Legal Process I and II, Criminal Law, and Civil Procedure I and II;
- (2) Dispute Resolution;
- (3) Professional Responsibility; and
- (4) the required Practicum courses.

Transfer credit for a course that requires a rigorous writing as defined by Section IV(D) of these standards may be substituted for the seminar and rigorous writing requirements of Sections IV(D) and XII(A)(1) of these standards. Decisions regarding transfers, readmissions, and transfer of credits shall be in the sole discretion of the Associate Dean for Academic Affairs or a faculty member (or members) appointed by the Dean.

## F. Sanctions

Failure to comply with the provisions on leaves of absence or with conditions on a leave granted shall be grounds for the Dean to impose any sanction he or she deems appropriate, including but not limited to refusal to accept transferred credits (regardless of the grade received), probation (with whatever conditions the Dean deems appropriate attached thereto), or dismissal.

## XII. Graduation

### A. Requirements

#### 1. Required Courses

Except as otherwise provided in these standards or by vote of the faculty, a candidate for graduation must have received credit in all courses specified in Section IV(A)(1) of these academic standards and be in full compliance with the Community Service Requirement.

#### 2. Total Hours

A candidate for graduation must have received ninety semester credit hours. No more than a total of four of the required ninety hours may be in the form of Law Journal, Moot Court, Independent Study, or Assistantship credit.

#### 3. Grade Average Requirements

A candidate for graduation must have an academic grade average for all courses which is no lower than 2.10. There is no waiver of this standard.

A candidate who otherwise qualifies for graduation but has a cumulative average below 2.10 may petition to complete one additional semester on academic probation, subject to the following conditions: (1) the candidate is otherwise eligible for probation pursuant to Section X(C) of these Standards; (2) all coursework during the probationary semester is completed at Appalachian School of Law; and (3) the candidate may enroll only in courses for which credit has not yet been granted. Under no circumstances shall a candidate be permitted more than one probationary semester under this provision.

#### 4. Time for Completion of Graduation Requirements

All coursework credited towards completion of the J.D. degree must be completed no sooner than 24 months and no longer than 84 months after a student has commenced law study at ASL or a law school from which the School has accepted transfer credit.

### B. Honors

#### 1. Summa Cum Laude

Any student who graduates in the top five percent of the graduating class, based on cumulative grade average, shall be designated as graduating summa cum laude.

#### 2. Magna Cum Laude

Any student who graduates in the top ten percent of the graduating class, based on cumulative grade average, shall be designated as graduating magna cum laude.

#### 3. Cum Laude

Any student who graduates in the top twenty-five percent of the graduating class, based on cumulative grade average, shall be designated as graduating cum laude.

### XIII. Waivers and Appeals

#### A. Waivers of Academic Standards or Appeals of Decisions Applying the Academic Standards

In limited circumstances, these Academic Standards permit students to petition the Faculty for waiver of an Academic Standard. In very limited circumstances, students may also appeal to the Faculty a decision of the Associate Dean for Academic Affairs, the Dean, or the Academic Standards Committee. The Faculty may grant or deny a written petition to the Faculty only in cases in which a Standard does not preclude a waiver petition or a decision by the Associate Dean of Academic Affairs, the Dean, or the Academic Standards Committee is not final, binding, and subject to no further appeal under these standards. The Faculty may grant or deny a properly filed petition, with or without conditions.

#### B. Faculty Procedure for Waivers and Appeals

Petitions for waivers or appeals to the Faculty permitted under these Academic Standards shall proceed in the following manner:

- (1) The student shall submit to the Dean a petition to the Faculty on a single typed (or word-processed) page in which the student identifies the issues presented by the waiver petition or appeal. If the petition is not permitted under these Academic Standards, the Dean shall notify the student within 10 days following receipt of the petition, in which case the petition and notification need not be provided to the Faculty.
- (2) The Dean may, at his or her option, prepare a single page response to the student petition.
- (3) Copies of the petition and the response shall then be provided to every Faculty member.
- (4) If within ten days of the date the petition is distributed to the Faculty, one-third of the Faculty requests that the Dean place the petition on the agenda of the next Faculty meeting, the Faculty will hear the waiver petition or appeal on the merits. If fewer than one third of the Faculty requests that the petition be heard, the request is denied and the Dean shall so inform the student.
- (5) The Faculty may, but need not, grant the student an opportunity to appear before it, present supplementary documents or written arguments, appear through counsel, call or cross-examine witnesses, or take a transcription of an appearance.

#### C. Referral of Jurisdiction to the Faculty

1. In the Dean's sole discretion, the Dean may refer to the Faculty for its consideration any properly filed petition which a student originally presents to the Dean.
2. By a majority vote of the members of the Academic Standards Committee, the committee may refer to the Faculty for its consideration any properly filed petition which a student originally presents to the Academic Standards Committee.



## Appendix A Appalachian School of Law's Board, Faculty, & Staff

ASL is governed by a Board of Trustees. The Board members, who are appointed to three-year terms, are distinguished leaders from central Appalachia who are strongly dedicated to the mission and goals of ASL.

### 2016-2017 Board of Trustees

<b>Title</b>	<b>Trustee</b>	<b>City, State</b>
Chair	Honorable Teresa M. Chafin	Lebanon, Virginia
Vice-Chair	James Keen	Vansant, Virginia
Treasurer	Michael McGlothlin	Grundy, Virginia
Vice-Treasurer	Lowell Dexter Ray	Vansant, Virginia
Secretary	Wade McGeorge	Grundy, Virginia
Trustee Member	Trey Adkins	Grundy, Virginia
Trustee Member	Governor George Allen	Alexandria, Virginia
Trustee Member	Delegate Jeff Campbell	Richmond, VA
Trustee Member	Jim Wayne Childress	Grundy, Virginia
Trustee Member	Honorable Chad Dotson	Wise, Virginia
Trustee Member	Jerry W. Kilgore	Richmond, Virginia
Trustee Member	Donald Ratliff	Big Stone Gap, Virginia
Trustee Member	Roger Rife	Grundy, Virginia
Trustee Member	Reece Hale Robertson	Grundy, Virginia
Trustee Member	Honorable Birg Sergent	Pennington Gap, Virginia
Trustee Member	Joseph E. Wolfe, Esq.	Norton, Virginia
Alumni Association President	Nicholas Kalagian	Orange, Virginia
General Counsel to the Board	Thomas R. Scott, Jr. Esq.	Grundy, Virginia

## Administration and Faculty

### Sandra Keen McGlothlin, Interim Dean and Chief Operating Officer, and Associate Professor of Law

B.A., University of Virginia, 1978; J.D., T.C. Williams School of Law of the University of Richmond, 1981. Formerly: Associate, Williams & Gibson, Grundy, Virginia; Partner, McGlothlin & Wife, Grundy, Virginia; President, Buchanan County Bar Association; Member, Town Council of the Town of Grundy, Virginia; Member, Virginia Coalfield Regional Tourism Development Authority; Vice-Mayor, Town of Grundy, Virginia; Member, Virginia Transportation Advisory Council. Published: VIRGINIA PRACTICE: CIVIL DISCOVERY (co-author).

Courses taught include: Family Law; Family Law Practice; Juvenile Law Practice; Virginia Procedure.

### Mason Heidt, Associate Dean for Academic Affairs and Assistant Professor of Law

B.S., Emory and Henry College, MsEnv, University of Wollongong, N.S.W., Australia, J.D., The George Washington University School of Law. Prior to joining the faculty, Dean Heidt practiced energy, mineral, and corporate law with the firm of Thomas L. Pruitt in Grundy, Virginia. His private practice experience has focused on mineral title, coalbed methane, and other property issues endemic to Southwest Virginia. Dean Heidt has been faculty advisor for: Law Journal, Natural Resources Law Journal, and Moot Court.

Courses taught include: Property; Appellate Advocacy; Appellate Advocacy Natural Resources; Property; Contract Drafting; Coal Law; Energy, Economics, and the Environment; Environmental Science for Lawyers; Mineral Title Search and Examination.

### Judith M. Barger, Professor of Law (1 year leave of absence, Visiting Professor at Atlanta's John Marshall School of Law, Adjunct Professor at ASL Fall 2016)

B.S., magna cum laude, Political Science/Accounting, Wright State University; J.D., Georgetown University Law Center. Formerly: Senior Writing Fellow, Georgetown University Law Center; Law Clerk, Circuit Court for the 31st Judicial Circuit, Manassas, Virginia; Assistant Public Defender, Fairfax County, Virginia; Associate, Piliero, Mazza & Pargament, Washington, D.C. Professor Barger's practice experience includes defending individuals charged with serious felony offenses, and assisting Native American Tribes in forming their own court systems and trained tribal police officers. Her published work includes: Innocence Found: Retribution, Capital Punishment and the Eighth Amendment, 46 Loy. L.A. Rev. 1 (2012); Law and Order in the Emerald City: Using the Wizard of Oz to Illustrate Homicide Principles, 10 Ohio St. J. Crim. L. 629 (2013); Avoiding Atkins v. Virginia: How States are Circumventing Both the Letter and the Spirit of the Court's Mandate, 13 Berkeley J. Crim. L. 215 (2008); VIRGINIA PRACTICE: CIVIL DISCOVERY (co-author).

Courses taught include: Criminal Law; Criminal Procedure; Advanced Criminal Procedure; Criminal Practice; Advanced Criminal Issues Seminar; Advanced Criminal Advocacy; Evidence.

### Mark Belleville, Associate Professor of Law

B.A., Philosophy, Miami University, with Departmental and University Honors; J.D. with Honors from the Ohio State University College of Law. Formerly: 12 years as a business litigator and counselor with the well-respected law firms of Woods Rogers PLC in Blacksburg and Calfee Halter & Griswold LLP in Cleveland and Columbus. His litigation practice focused on commercial contract disputes, tort and products liability, environmental litigation, a variety of business torts, labor litigation and premises liability. On behalf of a utility client, Professor Belleville obtained the first summary judgment in Ohio in defense of a premises liability asbestos claim, and participated in the drafting significant asbestos reform legislation. He has also successfully negotiated and avoided multi-million dollar environmental claims on behalf of municipal and

industrial clients. He is licensed to practice in Pennsylvania, Ohio and Virginia. Professor Belleville has served as faculty advisor for the Natural Resources Law Journal and moot court.

Courses taught include: Appellate Advocacy; Appellate Advocacy – Natural Resources, Contracts, Introduction to Natural Resources; Solar Energy Contracts; The Law of Renewables; Law Office Management; Sustainable Energy Law Practice.

### **Charles J. Condon, Professor of Law**

B.A., Florida Atlantic University (1975); J.D., Nova Southeastern University College of Law, (1980); LL.M., Agriculture Law, University of Arkansas College of Law (1993); M.L.S., University of Southern Mississippi (1994). For many years, Professor Condon served as the Associate Dean for Information Services and Director of the Law Library at ASL for Formerly: Faculty Member and Computer Services/Reference Librarian, Northern Illinois University.

Courses taught include: Advanced Research & Law Firm Technology; E-Discovery; Law Office Management; Pre-Trial Practice; Pre-Trial Civil Litigation; Remedies.

### **Eric Elder, Visiting Assistant Professor of Law**

J.D., Washington College of Law at American University; As a Dean's Fellow in the Integrated Curriculum Program there, he conducted academic skills training sessions and individual tutoring for 1L students. During law school Professor Elder interned with Judge Gerald Lee in the Federal District Court for the Eastern District of Virginia, and later clerked for Judge William Petty on the Court of Appeals of Virginia. After working as an attorney and organizer for the United Auto Workers, he went into private practice in Richmond, Va, focusing primarily on employment law issues under the Fair Labor Standards Act.

Courses taught include: Legal Process

### **The Honorable Larry G. Elder, Distinguished Visiting Professor of Law**

B.A., University of Virginia (1966-68), Virginia Commonwealth University (1970), J.D., University of Richmond (1975). Judge Elder served as Judge of the Juvenile and Domestic Relations District Court, 11th Judicial District, for more than five years, serving as chief judge for a period of time. He has completed more than 22 years of service as a judge on the Court of Appeals of Virginia.

Courses taught include: Legal Process, Current Issues in Constitutional Law.

### **Robert E. Gregg, Associate Professor of Law, Director of Academic Success and Bar Preparation Services**

J.D., University of Miami School of Law. Professor Gregg joined ASL after teaching for eleven years at Nova Southeastern University's College of Law in South Florida. He helped craft their renowned Critical Skills Program and has mentored more than 100 students through bar preparation. Professor Gregg directs and teaches in ASL's academic success and bar preparation programs.

Courses taught include: Introduction to Law/Strategies for Legal Success

### **Priscilla N. Harris, Associate Professor of Law**

B.A., Florida State University, 1982; J.D., University of Pennsylvania Law School, 1986. Formerly: Associate, Reed Smith Shaw & McClay, Philadelphia, Pennsylvania; Associate, Bell, Boyd & Lloyd, Washington, D.C.; Staff Attorney, Michigan Court of Appeals, Detroit, Michigan; Partner, Harris Law Offices, Orange Park, Florida.

Courses taught include: Advanced Torts, Appellate Advocacy; Conflict of Laws; Environmental Law Seminar; Estate Planning; Legal Process; Public Health Law; Torts.

### Justice Elizabeth A. McClanahan, Street Memorial Distinguished Visitor in Real Estate Law

Elizabeth A. McClanahan was elected by the Virginia General Assembly as a Justice on the Supreme Court of Virginia in 2011. She also currently serves as the Street Memorial Distinguished Visitor in Real Estate Law at Appalachian School of Law. She previously served as a Judge on the Court of Appeals of Virginia, as Virginia's Chief Deputy Attorney General, and was a principal in the law firm of Penn, Stuart & Eskridge. Justice McClanahan has also served as a member of the Board of Trustees of the U.S. Chamber of Commerce and the Energy and Mineral Law Foundation where she was designated as an Honorary Trustee. She was one of Virginia Lawyers Media "Influential Women of Virginia" in 2011. She is admitted to the bars of Virginia, the District of Columbia, Maryland and West Virginia and was selected as the 1994 El Paso Natural Gas Law Fellow for the Natural Resources Law Center at the University of Colorado School of Law.

Justice McClanahan has served as Vice-Rector of the College of William and Mary in Virginia, chairman of the State Council of Higher Education for Virginia and chairman of the Task Force on Governance Issues for the Governor's Blue Ribbon Commission on Higher Education. She has also received community service awards, including the Virginia Cooperative Extension's William Skelton Extension Leadership Award, Virginia Oil & Gas Association's David M. Young Award, YWCA Tribute to Women Award for Volunteer Community Service, Radford University Heritage Award, Bridgewater College Outstanding Service Award, Virginia 4-H Foundation Alumni Award and the Appalachian School of Law's 2004 Appalachian Service Award.

### Ken Russell, Visiting Assistant Professor of Law

B.A., Carson-Newman College, 1980; J.D., University of Tennessee College of Law, 1983. Mr. Russell currently practices law with the Russell law Firm in Bristol, VA and is a 1983 graduate of the University of Tennessee College of Law (With High Honors). While at UT Law he was an Assistant Editor of the Tennessee Law Review, Member of Order of the Coif and received the American Jurisprudence Awards in Constitutional Law and Jurisprudence. Kenneth grew up in Rockwood, Tennessee and graduated from Rockwood High School in 1976. Formerly: partner and practice group leader at Troutman Sanders, LLP ; shareholder, Penn, Stuart & Eskridge. Additionally, Kenneth has held a number of jobs in industry including: C.E.O. of Cottages Group, Inc.; V.P. of Corporate Affairs for Cumberland Resources Corporation; and General Counsel to GC Toys Worldwide and President of its US operating company General Creations, LLC.

Mr. Russell has served as an Adjunct Professor at Georgia State School of Law teaching Corporate Reorganizations and Tax Procedure and at Emory & Henry College teaching Business law. Mr. Russell has served on the board of trustees, and as an officer, of several charitable organizations. He currently serves as Chairman of the Board of Trustees of Bluefield College.

Courses taught include: Civil Procedure, Constitutional Law, and Federal Taxation.

### Thomas R. Scott, Jr., Distinguished Visiting Professor of Law & General Counsel

B.A., Government & Political Science, Hampden-Sydney College, 1974; J.D., T.C. Williams School of Law of the University of Richmond, 1976. Formerly: Moot Court Board, T.C. Williams School of Law; Substitute Judge, Virginia 29th Judicial District; Member, Tenth District Ethics Committee; Member, Governor's Advisory Commission on Workers' Compensation; Faculty Member, Virginia State Bar Course on Professionalism; Chairman, Virginia State Bar Disciplinary Board; member, Virginia State Bar Council; member Virginia State Bar Client Protection Fund Board; member, Town of Grundy Town Council. Professor Scott has appeared on The Today Show, Good Morning America, Nightline, Primetime, and Larry King Live in conjunction with the Virginia case, Commonwealth v. Roger Keith Coleman. He will be inducted as a Fellow in the Virginia Law Foundation in January, 2015. Presently: Partner, Street Law Firm, Grundy, Virginia.

Courses taught include: Criminal Law; Criminal Practice; Evidence; Insurance Law; Legal Process I and II, Professional Responsibility.

## Adjunct Faculty

### Greg Baker

Professor Baker teaches Virginia Civil Procedure; Virginia Criminal Law & Procedure; Virginia Bar Studies.

### Chelsea Baldwin

Professor Baldwin teaches Information Privacy Law.

### Pebbles Burgess

Professor Burgess teaches Family Law Practice.

### Joe Harbaugh

Professor Harbaugh teaches Intensive Negotiation Workshop.

### Emma Jones

Professor Jones teaches ADR in the Criminal Justice System and Dispute Resolution.

### Dale Rubin

Professor Rubin teaches Administrative Law; Business Associations; Employment Law & Practice; State & Local Government; Corporate Governance.

### Jen Shaver

Professor Shaver teaches Coal, Oil, and Gas Law.

### Jeremy Williams

Professor Williams, in addition to serving as the Director of Career Services and the Externship Program, teaches Solo Law Office Management.

Professional Staff

Title	Employee
Access Services Librarian	Rebecca Belcher, B.S., M.L.S.
Financial Aid Officer	David Brookshire, B.S., ;ihbB.A.
Director of the Business Office	Patricia Deel, B.S.
Co-Director of Recruitment and Alumni Relations	Piper Doeppe, B.S., B.A., M.S., J.M., J.D.
Grievance Coordinator, Career Services Assistant and Institutional Data Administrator	Rebecca England, B.A., M.Ed.
Acting Director of the Law Library	Christopher King, B.A., J.D., M.L.I.S.
Director of Admissions	Glenna Owens, B.A., M.S.I.S.
Director of Information Services	Brian Presley, B.S.
Director of Community Service and Personnel, Title IX Coordinator/Campus Safety Coordinator	Jina Sauls, B.A., J.D.
Natural Resources Law Fellow	Austin Skeens, B.S., J.D.
Registrar, Director of Reporting and Regulatory Compliance	Elizabeth Stanley, B.S., M.S.I.S.
Network Administrator	Glen Turner, B.S.
Co-Director of Recruitment and Alumni Relations	Kelsea Wagner, B.S., J.M., J.D.
Director of Career Services and Externship Program	Jeremy Williams, B.S., J.D.

## Other Essential Personnel

Title	Employee
Faculty Assistant for Academic Programs and Switchboard Operator	Sandy Baker, B.S.
Maintenance	Andy Boldt
Circulation Assistant	Jeree Boyd, B.B.A.
Assistant to Office of Community Service and Personnel	Jennie Clevinger
Housekeeping	Christine Doughten
Circulation Assistant	Lillian Elswick, B.A.
Writing and Public Relations Specialist	Rebecca Elswick, B.A., M.Ed.
Maintenance Supervisor	Jeff Hutchinson
Assistant to the Office of Admissions	Tonya Moore
Assistant to the Registrar	Marcia Owens
Business Office Clerk	Patricia Ratliff
Housekeeping	Virginia Stinson
Assistant to the Associate Dean and Events Coordinator	Patty Street
Assistant to the Dean	Peggy Street
Serials Assistant	Teresa Yates
Security Officers	Larry Deel, Chief Security Officer Jeremy Clevinger, Officer Kenny Keen, Officer Marcus O'Quinn, Officer

# Appendix B : Student Life & Organizations

## Student Organizations

### American Constitution Society

The American Constitution Society is a national organization of law students, law professors, practicing lawyers, and others. We seek to revitalize and transform the legal debate, from our classrooms to our courtrooms. We seek to counter the dominant vision of American law today, a narrow conservative vision that lacks appropriate regard for the ways in which the law affects people's lives. We seek to restore the fundamental principles of human dignity, individual rights and liberties, genuine equality, and access to justice to their rightful—and traditionally central—place in American law.

### Appalachian School of Law Recycling Program

Appalachian School of Law Recycling Team was established to further the preservation of the greater Grundy area and the larger global environment by recycling. Each week over 1,500 aluminum cans and around five hundred pounds of paper are collected and recycled by law school students. The team collects electronic recyclables, such as laptops and cell phones, each spring. In 2006, the team also began recycling printer cartridges. All funds collected by the program benefit the L. Anthony Sutin Endowment Fund, which helps to defray the cost of tuition for area students interested in public service law. The ASL Recycling Program saw student involvement in recycling increase over ten times between the Fall of 2004 and the Spring of 2006. Currently, the ASL Recycling Program is comprised of approximately fifty law students. Membership in the ASL Recycling Program also helps students secure community service hours required for graduation from ASL.

### Association of Women in Law

Association of Women in Law (“Where there’s A.W.I.L., there’s a way”) is an egalitarian, consensus-based organization concerned with issues facing women in law. The group, which welcomes all students, participates in community service projects, networks with women lawyers in the Appalachian School of Law region, and hosts discussions of gender-related topics.

### ASL Memorial 5K Run/Walk

The ASL Memorial 5K Run/Walk, held annually the first Saturday morning in April with a pasta dinner provided the Friday prior to the race, is a community service project designed to foster and promote the memory of Tony Sutin, Tom Blackwell, and Angela Dales. The organized event endeavors to build stronger ties with the local community while offering community service opportunities to ASL staff and volunteers. Proceeds of the race benefit the Anthony Sutin and Thomas Blackwell Endowment Scholarship Funds, which benefit future ASL students in memory of those who died on January 16, 2002.

### Black Law Students Association

The purpose of the Black Law Students’ Association is to represent the diverse views of the black community through the black law students and associates who represent them at Appalachian School of Law; to promote the welfare of its members through educational, professional, cultural, and social programs; and to provide a forum for the discussion of local and national issues affecting both the black law student community and ASL community as a whole.

### Christian Legal Society

The Christian Legal Society (“CLS”) is a non-denominational membership organization of lawyers, judges, law professors, and law students, working in association with others, to follow the command of Jesus “to do justice with the love of God.” (Luke 11:42, Matthew 23:23). CLS is international in scope, with more than 90



attorney chapters and 165 law student chapters located in more than 1100 cities, in all 50 states and in 10 foreign countries. The mission of CLS is to identify, equip, and mobilize “a national grassroots network of lawyers and law students committed to proclaiming, loving and serving Jesus Christ, through all that we do in the practice of law, and by advocating biblical conflict reconciliation, public justice, religious freedom and the sanctity of human life.” The ASL chapter of CLS meets regularly throughout the school year to share prayer, Bible study, and fellowship. The chapter also works on projects of service to ASL and the community. All are welcome to attend.

### Criminal Law Society

The Criminal Law Society of Appalachian School of Law is dedicated to keeping students informed of developments in the criminal law area, as well as increasing students’ exposure to networking and career opportunities. Toward this end, the Society will sponsor discussion groups, invite outside speakers, and promote curricular and co-curricular activities in the criminal law field. The Society is apolitical; however, the Society will facilitate student membership in political groups representing defense attorneys or prosecutors.

### Democratic Law Society

The Democratic Society at Appalachian School of Law exists to facilitate and encourage the full participation of all ASL students in choosing their elected officials and controlling their political destiny. It is dedicated to the preservation of all of the rights enumerated in Article I of the Constitution. The Democratic Society of ASL exercises full equality with Democratic organizations in other law schools in controlling the activities and establishing the principles of the national Democratic Party. Our Society endorses the principles contained in the Charter of the Democratic Party of the United States, bound always by the United States Constitution.

### Federalist Society

The Federalist Society for Law and Public Policy Studies is a group of conservatives and libertarians interested in the current state of the legal order. It is founded on the principles that the state exists to preserve freedom, that the separation of governmental powers is central to our Constitution, and that it is emphatically the province and duty of the judiciary to say what the law is, not what it should be. The Society seeks both to promote an awareness of these principles and to further their application through its activities.

### Outlaw

The Outlaw is a student organization affiliate of the National Lesbian and Gay Law Association (NLGLA), a national association of lawyers, judges, and other legal professionals. Its mission includes keeping its members and the ASL community informed of the effects of current law on people based on their sexual orientation. The Alliance has sponsored film nights and discussion groups in the past. In the future, the Alliance also plans to host outside speakers on LGBT topics. Membership is open to all members of the ASL community.

### Phi Alpha Delta

The L. Anthony Sutin Chapter of the Phi Alpha Delta Legal Fraternity was chartered in 2002. Phi Alpha Delta is the world’s largest legal fraternity. The purpose of the fraternity is to form a strong bond uniting students and teachers of the law with members of the Bench and Bar in a fraternal fellowship designed to advance the ideals of liberty and equal justice under law; to stimulate excellence in scholarship; to inspire the virtues of compassion and courage; to foster integrity and professional competence; to promote the welfare of its members; and to encourage their moral, intellectual, and cultural advancement; so that each member may enjoy a lifetime of honorable professional and public service.

### Phi Delta Phi

The Phi Delta Phi International Legal Fraternity, established in the year 1869 to promote a higher standard of professional ethics, is among the oldest legal organizations in North America. It holds a unique position in the

history of the North American bench, bar, and ASLs. Phi Delta Phi is the world's largest legal fraternity whose membership is restricted to students and practitioners of the law. Phi Delta Phi holds monthly meetings for fellowship and planning. Yearly events include: "GrundyPalooza," an Initiation Ceremony and cocktail party in the Fall Semester and "Ethics Week" in the Spring semester

### Republican Law Students Association

The RLSA is a local Republican student organization formed at Appalachian School of Law to foster and promote the mission and goals of the Republican Party. All ASL students, faculty, and staff are welcome to join. The RLSA holds bi-monthly meetings during the academic semester and hosts the annual All-American Ball during the Fall semester.

### Sutin Public Interest Association

Sutin Public Interest Association is ASL's chapter of Equal Justice Works, formerly the National Association of Public Interest Law. The objective of this association is to promote awareness, educate, and empower public service-minded law students in upholding Dean Sutin's strong beliefs in serving the public. The founders of this organization were dedicated to surmounting barriers to equal justice that affect millions of low-income individuals and families. Today, the association leads the country in organizing, training, and supporting public service-minded law students, and in creating summer and postgraduate public interest jobs.

### Student Bar Association

The Student Bar Association of Appalachian School of Law is governed by four officers, nine Senators, and four Honor Court Justices. Every ASL student is a member of the Student Bar Association by virtue of enrollment. The SBA serves the ASL student body in the formation of law school policy and student governance. In addition, the SBA organizes social events and community service events and facilitates the formation of new student organizations. The SBA plays an important role in serving as a liaison between the students and the faculty and administration. The SBA organizes the ASL Speaker Series, which brings attorneys, judges, and other persons to ASL to speak on topics related to the study of law and the legal profession. These events help broaden students' awareness of current events and better prepare them for entry into the legal profession.

# Appendix C TITLE IX /SEXUAL MISCONDUCT POLICY

## PART 1: RESOURCES AND DEFINITIONS

### I. INTRODUCTION

Definitions of key terms are provided under Section X of this policy.

#### A. Notice of Nondiscrimination and Policy on Statement on Sexual Misconduct

The health, safety, and well-being of all members of the Appalachian School of Law (“School”) community are the School’s primary concerns. In accordance with Title IX of the Education Amendments of 1972 (“Title IX”) and the Jeanne Clery Disclosure of Campus Security Policy and Campus Crime Statistics Act (the “Clery Act”), as amended by the Violence Against Women Act/Campus Sexual Violence Act (“Campus SaVE Act”), and other applicable state, federal and local laws, the School is committed to maintaining a community free from all forms of sex discrimination, including sexual misconduct. In accordance with Title IX, the School does not discriminate on the basis of sex in its education programs and activities. Under Title IX, discrimination on the basis of sex includes sexual harassment and sexual violence.

Sexual misconduct includes a broad range of behaviors that will not be tolerated in the School’s education programs or activities. The School strictly prohibits sexual harassment and sexual violence, including the offenses of sexual assault, sexual coercion, sexual exploitation, dating violence, domestic violence, and stalking. Sexual misconduct can occur between strangers, acquaintances, or people who know each other well, including those who are involved in an intimate or sexual relationship, and can be committed by anyone regardless of sex, gender, or gender identity. The School does not tolerate any form of sexual misconduct.

Questions regarding Title IX and the Campus SaVE Act may be referred to the School’s Title IX Coordinator or to the U.S. Department of Education’s Office for Civil Rights.

#### B. The Title IX Coordinator

The School’s designated Title IX Coordinator is:

Name: Jina Sauls  
Title: Director of Community Service and Personnel  
Address: 1169 Edgewater Dr., Grundy, VA 24614  
Phone: (276) 244-1228  
Email: [titleixcoordinator@asl.edu](mailto:titleixcoordinator@asl.edu) or [jsauls@asl.edu](mailto:jsauls@asl.edu)

The Title IX Coordinator’s responsibilities include, but are not limited to, overseeing the School’s response to complaints of sexual misconduct, coordinating investigations into allegations of sexual misconduct, and identifying and addressing any patterns or systemic problems of sexual misconduct that arise during the investigation of a complaint of sexual misconduct.

#### C. Scope of Policy

This policy governs sexual misconduct involving students, and applies to such students regardless of sex, race, national origin, disability, part-time/fulltime status, sexual orientation, gender identity, or other protected status. Complaints of discrimination or harassment on the basis of sex that do not involve sexual misconduct are governed by the School’s Grievance Policy contained in the School’s Catalog & Handbook.

This Title IX/ Sexual Misconduct Policy applies to any allegation of sexual misconduct that takes place on School property or any other property on which a School program or activity takes place. This policy also covers conduct that takes place off of School property, or has a reasonable connection to the School.

This policy:

1. sets forth the rights of the victim;
2. describes programs implemented by the School to educate and increase awareness among the School community regarding sexual misconduct;
3. sets forth available resources and reporting options for victims of sexual misconduct;
4. defines prohibited conduct;
5. describes the School's procedures for responding to complaints of sexual misconduct, including the investigation, hearing, and sanctioning process.

### *Victim's Rights*

All victims of sexual misconduct have the right to:

1. Make a report to local law enforcement and/or state police;
2. Have disclosures of domestic violence, dating violence, stalking, and sexual assault treated seriously;
3. Make a decision about whether or not to disclose a crime or violation and participate in the investigation and hearing process and/or criminal justice process free from pressure from the School;
4. Participate in a process that is fair, impartial, and provides adequate notice and a meaningful opportunity to be heard;
5. Be treated with dignity and to receive from the School courteous, fair, and respectful health care and counseling services, where available;
6. Be free from any suggestion that the complainant is at fault when these crimes and violations are committed, or should have acted in a different manner to avoid such crimes or violations;
7. Describe the incident with as few School representatives as practicable and not be required to unnecessarily repeat a description of the incident;
8. Be protected from retaliation by the School, any student, the respondent, and or their friends, family and acquaintances within the jurisdiction of the School;
9. Access to at least one level of appeal of a determination;
10. Be accompanied by an advisor of choice who may assist and advise a reporting individual, or respondent throughout the judicial or conduct process including during all meetings and hearings related to such process, if applicable;
11. Exercise civil rights and practice of religion without interference by the investigative, criminal justice or judicial or conduct process of the School;
12. Be informed of the outcome of the School's investigation;
13. Be provided with information about health, counseling, and other support services from School and local resources. All members of the School community may obtain information about such resources from the School's Title IX Coordinator. Students may also obtain information from such resources as:

Access Intensive Counseling  
Susan Fogg  
Phone: 276-244-1380 (Grundy office)  
email: [accessintensivecounseling@gmail.com](mailto:accessintensivecounseling@gmail.com)

Healing Waters  
1113 Cedar Valley Drive, Cedar Bluff, VA 24609  
(276)963-0111

Cumberland Mountain Community Services (Buchanan County Satellite Office)  
P.O. Box 1115, 1014 Stillhouse Hollow Road (Slate Creek), Grundy, VA 246144

Phone: (276)935-7154  
Dinah Stacy Appleton, Office Manager  
Email: dstacy@cmcsb.com  
<http://www.cmcsb.com/substanceabuse.html>

14. Be notified of options for changing academic, living, transportation, and working situations;
15. Report the incident to School authorities and seek guidance from the School's Title IX Coordinator;
16. The prompt, impartial, and thorough investigation of his/her complaint in accordance with this Policy;
17. Be informed of the importance of preserving evidence;
18. Be informed of his/her rights and the School's responsibilities for orders of protection, restraining orders, or "no-contact" orders as applicable;
19. Confidentiality in accordance with this Policy.

## **II. PREVENTION AND AWARENESS EDUCATION PROGRAMS**

Creating a safe and respectful environment is the responsibility of all members of the School's community. To promote and maintain this environment, the School engages in comprehensive educational programming to prevent sexual misconduct, (including sexual harassment, domestic violence, dating violence, sexual assault, stalking, and retaliation). The School provides primary prevention and awareness programs for all incoming students and employees, and ongoing prevention and awareness campaigns for all students and employees.

The School educates the student community about sexual misconduct through its mandatory orientation program, certain required courses, and ongoing programming initiatives throughout the students' time at School. Such programming and courses provide students with information about safety and security procedures, the School's procedures for responding to reports of sexual misconduct, options for safe and positive bystander intervention, and information on risk reduction to recognize warning signs of abusive behavior and how to avoid potential attacks. Some of the programs include:

1. "Prevention and Awareness" during Introduction to Law week which may be presented as a live program or a video course.
  2. "Haven" by EverFi.com and/or similar awareness and prevention training programs;
  3. Various ongoing "awareness and prevention" activities;
- For additional information about the School's sexual misconduct prevention and awareness programming, please contact the School's Title IX Coordinator, Jina Sauls; Room 133 Main Office and Classroom Building; Phone: 276-244-1228.

## **III. RESOURCES AND REPORTING OPTIONS FOR VICTIMS OF SEXUAL MISCONDUCT**

### **A. Immediate Medical Assistance and Counseling**

If you or someone you know is or may be the victim of any form of sexual misconduct, the School strongly urges you to seek immediate assistance. Assistance is available 24 hours a day, 7 days a week, from:

- Immediate or Emergency Assistance - Call 911  
Local Police: Town of Grundy: 276-935-1993; Buchanan County Sheriff's Office: 276-935-2313;
- Campus Security - (276) 244-1295 or 276-935-4349, Ext. 1295 (during office hours only)
- Buchanan General Hospital Emergency Room, 1535 Slate Creek Road, Grundy, VA 24614, 276-935-1000;
- Clinch Valley Medical Center: 6901 Governor G.C. Peery Highway; Richlands, VA 24641, 276-596-6000;

## **B. Sexual Assault Forensic Examiners**

Victims of sexual assault should receive immediate medical attention. Sexual Assault Forensic Examiners (SAFE) are considered the best and most appropriate medical professionals to conduct such an examination.

- Clinch Valley Medical Center: 6901 Governor G.C. Peery Highway; Richlands, VA 24641, 276-596-6000.

## **C. School Counseling Resources**

Regardless of whether or not an official complaint of sexual misconduct is made, students can be referred to various local/regional counseling options.

Reporting Option:

Jina Sauls  
Title IX Coordinator  
1169 Edgewater Dr., Grundy, VA 24614  
(276) 244-1228  
[titleixcoordinator@asl.edu](mailto:titleixcoordinator@asl.edu) or [jsauls@asl.edu](mailto:jsauls@asl.edu)

## **IV. Reporting of Incidents of Sexual Misconduct**

### **A. Law Enforcement Notification**

If you are the victim of sexual misconduct, the School strongly encourages you to promptly report the incident to the police. Timing is a critical factor in collecting and preserving evidence that may assist in proving that the alleged misconduct occurred, or may be helpful in obtaining a protection or restraining order from the police. School representatives are available to assist you in notifying law enforcement of an incident of sexual misconduct and in contacting law enforcement or legal service organizations to learn about these remedies. You may also decline to notify law enforcement.

### **B. School Notification**

The School is committed to providing a prompt, fair, and impartial investigation and resolution to all allegations of sexual misconduct. Therefore, the School also encourages the reporting of sexual misconduct to a School representative in a timely manner. Incidents of sexual misconduct should be reported to the School's Title IX Coordinator. Any incident of sexual misconduct reported to another School employee, with the exception of those employees designated as confidential, as set forth herein, will be reported by the employee to the Title IX Coordinator.

When the School receives a report from a student that he or she has been the victim of sexual misconduct including dating violence, domestic violence, sexual assault or stalking, whether the offense occurred on or off campus, the School will provide the reporting individual with a written explanation of his or her rights and options. The School will provide the reporting individual with written notification to students regarding existing counseling, health, mental health, victim advocacy, legal assistance, student financial aid and other services available for victims both within the School and in the community. If the reporting individual is not the complainant, and the identity of the complainant is made known to the School, the School will provide written notification to the Complainant.

A reporting individual will be provided with the Complaint and will have emergency access to the Title IX Coordinator, or his or her designee, who is trained in interviewing victims of sexual assault and who shall be available upon the first instance of disclosure by the Complainant to provide information regarding options to

proceed upon the first instance of disclosure of sexual misconduct to the School. The Title IX Coordinator, or other designated School official will be available to provide the reporting individual with information regarding his or her options to proceed, and other important information about his or her rights under School policy and the law.

The Complainant reserves the right to withdraw a complaint or his/her involvement in the School's investigation or resolution process at any time. However, in such instances the School's ability to respond will be limited and Title IX may nevertheless require the School to complete the investigation processes.

### **C. Reports of Sexual Misconduct from Anonymous Sources**

If the School receives a report of alleged sexual misconduct by someone other than the complainant (e.g., friend or roommate, resident advisor) or from an anonymous source, the School's Title IX Coordinator will promptly notify the complainant of the report, and inform the complainant of the available resources and assistance. The School will respond to the report of sexual misconduct as if the complainant had made the initial report and an investigation will commence.

### **D. Time for Reporting**

There is no time limit for reporting sexual misconduct. Nevertheless, any member of the School community who believes that he or she has been a victim of sexual misconduct is encouraged to report the alleged sexual misconduct immediately in order to maximize the School's ability to obtain evidence and conduct a thorough, impartial, and reliable investigation.

Under no circumstances will the School allow an impending graduation to compromise its resolution of a sexual misconduct complaint. The conferral of a degree may, therefore, be withheld, if necessary, until proper resolution of any sexual misconduct charges, provided that a hearing opportunity will be scheduled for the earliest practicable date that can accommodate the parties and their witnesses.

### **V. Confidentiality**

The School understands that, for many victims of sexual misconduct, confidentiality is a primary concern. However, certain School employees are required by state and federal laws to share information from a report of sexual misconduct with the School or governmental agencies. Even School employees who cannot guarantee confidentiality will maintain the privacy of the reporting individual to the greatest extent possible. The information that the reporting individual provides to a non-confidential resource will be relayed only as necessary for the Title IX Coordinator to investigate and/or seek a resolution. When reporting crimes for the purposes of Clery Act compliance, the School will not release identifying information of the victim. The ability of School employees to maintain confidentiality is as follows in the subsequent section describing Responsible Employees and their obligations under this policy.

#### **A. Professional and Pastoral Counselors**

The School does not offer professional, licensed counselors or pastoral counselors (ordained clergy.)

#### **B. Responsible Employees**

A "responsible employee" is a School employee who has the authority to redress sexual misconduct, who has a duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty. A responsible employee must report all relevant details about the alleged sexual misconduct shared by the victim to the Title IX Coordinator. A responsible employee will strive to maintain privacy and information reported to the responsible employee will be shared only with those having a need to know such information in order to respond in accordance with School policy.

The School is obligated by law to investigate all allegations of sexual misconduct regardless of whether the complainant wishes to file a complaint. Therefore, if a complainant reports an incident of sexual misconduct to a responsible employee but wishes to remain anonymous or requests that no investigation into the incident be conducted, the School will weigh that request against the School's obligation to provide a safe, nondiscriminatory environment for all members of the School community, including the complainant. If the School honors the request for confidentiality, the complainant must understand that the School's ability to effectively investigate the incident and pursue disciplinary action against the respondent may be limited. In certain circumstances, the School may not be able to honor a complainant's request for confidentiality when doing so would jeopardize the School's responsibility to provide a safe, non-discriminatory environment. The Title IX Coordinator is designated to evaluate requests for confidentiality once a responsible employee is notified of alleged sexual misconduct.

When weighing a complainant's request for confidentiality or the need to continue to pursue the investigation, the Title IX Coordinator will consider a range of factors, including, but not limited to, the following:

- whether there have been other sexual misconduct complaints about the same respondent;
- whether the respondent has a history of arrests or records from a prior school indicating a history of violence;
- whether the incident represents an escalation in and unlawful conduct on behalf of the respondent from previously noted behavior;
- whether there is an increased risk that the respondent will commit additional acts of violence;
- whether the sexual misconduct was committed by multiple perpetrators;
- whether the complainant's report reveals a pattern of perpetration (e.g., via illicit use of drugs or alcohol) at a given location or by a particular group;
- whether the alleged sexual misconduct was perpetrated with a weapon;
- the age of the complainant;
- whether the School has other means to obtain relevant evidence (e.g., security cameras or personal, physical evidence).

After considering these factors, the School may be compelled to investigate the alleged sexual misconduct and, if appropriate, pursue disciplinary action in a manner that may require the School to disclose the complainant's identity to the respondent. If the School determines that an investigation is required, the School will inform the complainant and take immediate action necessary to protect and assist the complainant.

If, after considering these factors, the School determines that it is able to respect the complainant's request for confidentiality, the School will nevertheless take all reasonable steps to respond to the complaint consistent with the complainant's confidentiality request, and will determine whether interim measures are appropriate or necessary. The School will also consider broader remedial action, such as increased monitoring, supervision of security at locations where the reported sexual misconduct occurred, increasing training, education and prevention efforts, and conducting climate surveys.

## **VI. School Amnesty Policy**

The health and safety of every student at School is of utmost importance. The School recognizes that students who have been drinking and/or using drugs (whether such use is voluntary or involuntary) may be hesitant to report such incidents due to fear of potential consequences for their own conduct. The School strongly encourages students to report domestic violence, dating violence, stalking, or sexual assault to School officials. A bystander acting in good faith or reporting individual acting in good faith that discloses any incident of domestic violence, dating violence, stalking, or sexual assault to School officials or law



enforcement will not be subject to the School Code of Conduct for violations of alcohol and/or drug use policies occurring at or near the time of the domestic violence, dating violence, stalking or sexual assault incident.

## **VII. Immediate Measures and Accommodations**

Any individual who has been the victim of sexual misconduct may request assistance in changing academic, living, transportation, and working situations. The School will grant such accommodations, provided they are reasonable and available, regardless of whether the student chooses to report the crime to law enforcement. Such accommodations may include providing increased security, supervision or monitoring at locations or activities where the alleged misconduct occurred, moving a student's residence, adjusting a student's academic or Schoolwork schedules, and issuing a "no contact" order. The complainant or respondent may request a review of any individual against whom a no-contact order is issued and will, upon request, receive a prompt review of the need for, and terms of, the no-contact order, including potential modification, and may submit evidence in support of his or her request. The School will conduct a prompt review in response to such request.

## **VIII. Orders of Protection**

The School is not able to assist an eligible complainant in acquiring an order of protection; however, the Title IX Coordinator may provide the necessary information and support to assist a victim to file for a protective order. Emergency Protective orders (EPO) can be obtained from a Buchanan County Magistrate's office or a petition for Preliminary Protective orders (PPO) can be obtained from the Juvenile and Domestic Relations Court Clerk. Both an EPO and PPO require filing under oath. There are employees of the 29<sup>th</sup> Judicial Court Services Unit who may be able to assist with filling out the PPO petition that can be reached at (276)935-8549. Alternatively, a complainant may call the Department of Social Services at (276)935-8106 during regular business hours, or 911 outside of regular business hours for an on-call service worker to be dispatched to their home; however, this option will require the notification of law enforcement since a Sheriff's Deputy will accompany the worker.

If an order of protection is granted, the requesting individual will have the right to receive a copy of the order of protection when the order is received by the School. The Complainant will also have the opportunity to have an appropriate School employee explain the order, the consequences for violating the order, and answer any questions about the order. Additionally, if the Respondent violates the order of protection, the no contact order is violated and the Complainant may receive assistance from the School in calling local law enforcement to inform them of the violation.

When the Respondent is a School student and is determined to present a continuing threat to the health and safety of the School community, the Respondent may be subject to interim suspension pending the outcome of the hearing resolution process, described herein. In the event the School imposes an interim suspension on the Respondent, the Complainant or Respondent may request a review of the need for an interim suspension, including potential modification, and may submit evidence in support of his or her request. Upon such request, the School will conduct a prompt review.

Requests for accommodations in connection with incidents of sexual misconduct should be made to the School's Title IX Coordinator. The School will provide information about the student's request for accommodations only to those having a need to know such information in order to implement the accommodations. Both the Complainant and the Respondent may ask the School to review the need for and terms of any interim measures or accommodations that directly affects him or her and may submit evidence in support of his or her request. Upon such request, the School will conduct a prompt review.

## **IX. Anti-Retaliation Policy**

The School prohibits retaliation against any person who reports sexual misconduct or participates in the investigation of any allegation of sexual misconduct, including testifying as a witness. Retaliation should be reported promptly to the School's Title IX Coordinator. Reports of retaliation will be investigated in accordance with the appropriate School policy, and such conduct may result in disciplinary action independent of the sanction(s) or interim measures imposed in response to the underlying allegations of sexual misconduct.

## **X. Definitions within the Policy**

"Bystander" means a person who observes a crime, impending crime, conflict, potentially violent or violent behavior or conduct that is in violation of rules or policies of the School.

"Complainant" means the individual who experienced the sexual misconduct, regardless of whether such individual reports such sexual misconduct to the School or participates in the School's conduct process for responding to complaints of sexual misconduct described herein.

"Confidentiality" may be offered by an individual who is not required by law to report known incidents of sexual assault or other crimes to institution officials, in a manner consistent with state and federal law, including but not limited to 20 U.S.C. 1092 (f) and 20 U.S.C. 1681 (a).

"Consent" must be affirmative. Consent means a knowing, voluntary, and mutual decision among all participants to engage in sexual activity. Consent can be given by words or actions, as long as those words or actions create clear permission regarding willingness to engage in sexual activity. Silence or lack of resistance, in and of itself, does not demonstrate consent. The definition of consent does not vary based upon a participant's sex, sexual orientation, gender identity, or gender expression.

- Consent to any sexual act or prior consensual activity between or with any party does not necessarily constitute consent to any other sexual act.
- Consent is required regardless of whether the person initiating the act is under the influence of drugs and or alcohol.
- Consent may be initially given but withdrawn at any time.
- Consent cannot be given when a person is incapacitated.
- Consent cannot be given when it is the result of any coercion, intimidation, force, threat of harm.
- When consent is withdrawn or can no longer be given, sexual activity must stop.

"Force" The use of physical violence and/or imposing on someone physically to engage in sexual contact or intercourse. Force can also include threats, intimidation (implied threats), or coercion used to overcome resistance.

"Incapacitation" A state where a person cannot make a rational, reasonable decision because the person lacks the ability to understand his or her decision. A person can become incapacitated as a result of disability, involuntary physical constraint, sleep, or consumption of alcohol or other drugs.

"Intimidation" means implied threats or acts that reasonably cause another to fear for his/her safety or well-being.

"Privacy" may be offered by an individual when such individual is unable to offer confidentiality under the law but shall still not disclose information learned from a complainant or bystander to a crime or incident reporting individual, including appropriate School employees, above what is necessary to comply with this and other applicable laws or School policy.

“No-Contact Order” A directive prohibiting contact between or among designated individuals through any means, direct or indirect, including personal contact, email, telephone, text message, social media, or by means of a third party.

“Reporting Individual” Any individual who reports a violation of this policy to the School, including, but not limited to, a complainant or bystander.

“Responsible employee” is a School employee who has the authority to redress sexual misconduct, who has a duty to report incidents of sexual misconduct, or who a student could reasonably believe has this authority or duty.

“Respondent” means the individual alleged to have committed acts constituting sexual misconduct.

“Retaliation” Taking any adverse action or attempting to take adverse action, including intimidating, threatening, coercing, or in any way discriminating against an individual because of the individual’s complaint of sexual misconduct or participation in an investigation or proceeding related to alleged sexual misconduct.

#### Definitions of Gender-Based Misconduct

“Sexual Misconduct” means a range of unwelcome behavior of a sexual nature that is committed without consent or by intimidation, coercion, threat or force. Sexual Misconduct includes, but is not limited to, sexual assault, sexual coercion, sexual exploitation, sexual harassment, dating violence, domestic violence, and stalking.

**Under the Code of Virginia, §18.2, Sexual Misconduct and related crimes are defined as follows:**

#### § 18.2-67.10. General Definitions:

As used in this article:

"Complaining witness" means the person alleged to have been subjected to rape, forcible sodomy, inanimate or animate object sexual penetration, marital sexual assault, aggravated sexual battery, or sexual battery.

"Intimate parts" means the genitalia, anus, groin, breast, or buttocks of any person.

"Mental incapacity" means that condition of the complaining witness existing at the time of an offense under this article which prevents the complaining witness from understanding the nature or consequences of the sexual act involved in such offense and about which the accused knew or should have known.

"Physical helplessness" means unconsciousness or any other condition existing at the time of an offense under this article which otherwise rendered the complaining witness physically unable to communicate an unwillingness to act and about which the accused knew or should have known.

The complaining witness's "prior sexual conduct" means any sexual conduct on the part of the complaining witness which took place before the conclusion of the trial, excluding the conduct involved in the offense alleged under this article.

"Sexual abuse" means an act committed with the intent to sexually molest, arouse, or gratify any person, where:

a. The accused intentionally touches the complaining witness' intimate parts or material directly covering such intimate parts;

b. The accused forces the complaining witness to touch the accused's, the witness' own, or another person's intimate parts or material directly covering such intimate parts;

c. If the complaining witness is under the age of 13, the accused causes or assists the complaining witness to touch the accused's, the witness's own, or another person's intimate parts or material directly covering such intimate parts; or

d. The accused forces another person to touch the complaining witness' intimate parts or material directly covering such intimate parts.

#### § 18.2-61. Rape.

A. If any person has sexual intercourse with a complaining witness, whether or not his or her spouse, or causes a complaining witness, whether or not his or her spouse, to engage in sexual intercourse with any other person and such act is accomplished (i) against the complaining witness's will, by force, threat or intimidation of or against the complaining witness or another person; or (ii) through the use of the complaining witness's mental incapacity or physical helplessness; or (iii) with a child under age 13 as the victim, he or she shall be guilty of rape.

#### § 18.2-60.3. Stalking; penalty.

A. Any person, except a law-enforcement officer, as defined in § 9.1-101, and acting in the performance of his official duties, and a registered private investigator, as defined in § 9.1-138, who is regulated in accordance with § 9.1-139 and acting in the course of his legitimate business, who on more than one occasion engages in conduct directed at another person with the intent to place, or when he knows or reasonably should know that the conduct places that other person in reasonable fear of death, criminal sexual assault, or bodily injury to that other person or to that other person's family or household member is guilty of a Class 1 misdemeanor.

Similar to Statutory Rape:

#### § 18.2-63. Carnal knowledge of child between thirteen and fifteen years of age.

A. If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age, such person shall be guilty of a Class 4 felony.

B. If any person carnally knows, without the use of force, a child thirteen years of age or older but under fifteen years of age who consents to sexual intercourse and the accused is a minor and such consenting child is three years or more the accused's junior, the accused shall be guilty of a Class 6 felony. If such consenting child is less than three years the accused's junior, the accused shall be guilty of a Class 4 misdemeanor.

Similar to Domestic Violence:

#### § 18.2-57.2. Assault and battery against a family or household member; penalty.

A. Any person who commits an assault and battery against a family or household member is guilty of a Class 1 misdemeanor.

B. Upon a conviction for assault and battery against a family or household member, where it is alleged in the warrant, petition, information, or indictment on which a person is convicted, that such person has been previously convicted of two offenses against a family or household member of (i) assault and battery against a family or household member in violation of this section, (ii) malicious wounding or unlawful wounding in violation of § 18.2-51, (iii) aggravated malicious wounding in violation of § 18.2-51.2, (iv) malicious bodily injury by means of a substance in violation of § 18.2-52, (v) strangulation in violation of § 18.2-51.6, or (vi) an offense under the law of any other jurisdiction which has the same elements of any of the above offenses, in

any combination, all of which occurred within a period of 20 years, and each of which occurred on a different date, such person is guilty of a Class 6 felony.

Virginia has no separate criminal code violation relating to Dating Violence.

§ 18.2-67.6. Proof of physical resistance not required.

The Commonwealth need not demonstrate that the complaining witness cried out or physically resisted the accused in order to convict the accused of an offense under this article, but the absence of such resistance may be considered when relevant to show that the act alleged was not against the will of the complaining witness.

## **PART II: PROCEDURES FOR RESPONDING TO A COMPLAINT OF SEXUAL MISCONDUCT**

The School is committed to providing a prompt, fair, and impartial investigation and resolution of all allegations of sexual misconduct. Incidents of sexual misconduct should be reported to the School's Title IX Coordinator. Any incident of sexual misconduct reported to another School responsible employee, with the exception of those employees designated above as confidential, will be reported by the responsible employee to the Title IX Coordinator.

### **XI. Initial Steps**

#### **A. Intake Meeting with Complainant**

Upon notice of any allegation of sexual misconduct, the Title IX Coordinator or his or her designee will schedule an individual intake meeting with the Complainant. At the intake meeting, the Title IX Coordinator or his or her designee will provide the Complainant with a general understanding of this policy for reports of student sexual misconduct, and identify forms of support or immediate assistance available to the Complainant (e.g., referrals to appropriate law enforcement agencies; referrals for medical treatment at local hospitals and trauma centers). The Title IX Coordinator or his or her designee will also provide the Complainant with a written explanation of his or her rights and options with respect to his or her report of sexual misconduct. The intake meeting may also involve a discussion of any interim accommodations that may be appropriate concerning the Complainant's academic schedule, School housing, and/or School employment arrangements. Additional information regarding interim accommodations is set forth below.

At the initial intake meeting or at a subsequent time the Title IX Coordinator or his or her designee will seek to determine how the complainant wishes to proceed, i.e., whether the complainant wishes to pursue Formal Resolution, Informal Resolution, or does not wish to pursue resolution of any kind. Regardless of how the complainant chooses to proceed, the School seeks to resolve every report of sexual misconduct within 60 calendar days of the initial report, excluding any appeal. The time frames included in this policy may vary depending on the details of the complaint and, in some cases, the time of the academic year (e.g., during School breaks or final exams). The School may extend any time frame for good cause, provided the complainant and respondent are given a written explanation as to the reason for such extension.

If the complainant wishes to proceed with either Formal Resolution or Informal Resolution, the Title IX Coordinator will ascertain the name of the respondent, and the date, location, and nature of the alleged sexual misconduct, and, in a timely fashion, will schedule an individual intake meeting with the respondent. The School will notify the respondent that a complaint has been filed and provide the date, time, location and factual allegations concerning the alleged violation, and possible sanctions.

If the complainant wishes to proceed with Formal Resolution, the Title IX Coordinator will promptly prepare a formal letter to the Hearing Committee on Student Behavior ("Hearing Committee") notifying the Hearing

Committee of the initiation of a formal investigation. The letter will provide the Hearing Committee with the names of the complainant and respondent and the date, location, and nature of the alleged sexual misconduct.

If the complainant does not wish to pursue Formal Resolution or Informal Resolution, and either requests that his or her complaint remain confidential, or refuses to participate in the initial intake meeting with the Title IX Coordinator, the Title IX Coordinator will inform the complainant that the School's ability to respond may be limited. In such scenarios, Title IX nevertheless requires the School to evaluate the complainant's request(s) for no action in the context of the School's commitment to provide a reasonably safe and non-discriminatory environment for the entire School community.

## **B. Interim Measures**

In all complaints of alleged sexual misconduct, the School will undertake an appropriate inquiry and take immediate action to support and protect the complainant, including taking appropriate interim steps before the final outcome of the investigation and hearing, if any. Accordingly, at or after the intake meeting, the School may impose a "no-contact" order, which typically will include a directive that the parties refrain from having contact with one another, directly or through proxies, whether in person or via electronic means, including social media, pending the investigation and, if applicable, the hearing.

To ensure the safety and well-being of the complainant, the Title IX Coordinator also may take any further protective action that he or she deems appropriate concerning the interaction of the parties pending the hearing, which may include directing appropriate officials to alter the students' academic, transportation, School housing, and/or School employment arrangements, or other appropriate protections. Any student who has been the victim of sexual misconduct may request assistance in changing academic, living, transportation, and working situations after a report of sexual misconduct. The School will grant such accommodations, provided they are reasonable and available, regardless of whether or not the victim chooses to report the crime to law enforcement.

When taking such steps to separate the complainant and the respondent, the School will, to the extent practicable, minimize the burden on the complainant.

Violation(s) of the Title IX Coordinator's directives and/or protective actions will constitute related offenses that may lead to additional disciplinary action.

## **C. Effect of Criminal Proceedings**

Sexual misconduct may constitute a violation of both law and School policy. The School encourages students to report alleged sexual misconduct promptly to local law enforcement agencies. Criminal investigations may be useful in the gathering of relevant evidence, particularly forensic evidence. The standards for finding a violation of criminal law are different from the standards for finding a violation of this policy. Therefore, criminal investigations or reports are not determinative of whether sexual misconduct under this Policy, has occurred. In other words, conduct may constitute sexual misconduct under this Policy even if law enforcement agencies lack sufficient evidence of a crime and decline to prosecute.

The filing of a complaint of sexual misconduct under this policy is independent of any criminal investigation or proceeding. The School will not wait for the conclusion of any criminal investigation or proceedings to commence its own investigation or to take any necessary interim measures to protect the complainant and the School community. However, the School may temporarily delay its investigation to enable law enforcement to gather evidence and to engage in a preliminary investigation of sexual misconduct matters that may also violate the state criminal code.

## **XII. Formal Resolution Process**

### **A. Investigation**

When the complainant indicates a desire to pursue Formal Resolution, the reported allegations will be investigated promptly, thoroughly, and impartially. School will notify the respondent that a complaint has been filed and will include notice of the allegations. The complainant and respondent will be given the opportunity to meet separately with the Title IX Coordinator. Additionally, the Title IX Coordinator will inform both the complainant and respondent that both parties have the right to an advisor of their choice to assist in the resolution process. During all phases of the Formal Resolution Process, the parties will be provided with advance notice of any meeting they are required or eligible to attend.

The Title IX Coordinator will collect and review evidence it deems necessary or helpful to the investigation of the alleged sexual misconduct. The Title IX Coordinator may designate a specially trained investigator or investigators to conduct the interviews and investigation. The investigation will include individual interviews with the parties involved and with individuals who may have observed the alleged conduct or may have other relevant knowledge. The investigation may also include examination of medical records, surveillance video, cell phone and other electronic records, and other evidence.

In response to the Investigation, both the complainant and the respondent will be given the opportunity to submit a written statement. The written statement will be provided to the Title IX Coordinator, the opposing party, as well as members of the Hearing Committee.

### **B. Hearing Committee**

Formal Resolution involves a hearing before a committee. The Committee is comprised of at least three School Administrators, all of whom receive training, at least annually, on the issues relating to sexual misconduct, including sexual harassment, dating violence, domestic violence, sexual assault, and stalking. They will also be trained regarding how to conduct an investigation and hearing process that protects the safety of victims and promotes accountability. The Hearing Committee Chair will select the

Hearing Committee members who will participate in the hearing and will either serve as the presiding chair of the hearing, or will appoint the presiding chair (or, if the Hearing Committee Chair is unavailable or otherwise unable to serve, the Associate Dean for Academic Affairs will select the members who will conduct the hearing and a presiding chair of the Committee).

### **C. The Hearing**

After the investigation the School will provide written notice at least five business days before the hearing date to both parties stating the date, time, and place of the hearing. A party wishing to challenge the participation of any member appointed to the Committee must notify the Hearing Committee Chair, in writing, within three business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Committee Chair will determine whether the challenge has merit, and reserves discretion to make changes in the composition of the Committee at any time. A party wishing to challenge the participation of the Committee Chair must notify the Title IX Coordinator, in writing, within three business days of receipt of the notice of hearing, stating the specific reason(s) for the party's objection. The Title IX Coordinator will determine whether the challenge has merit and reserves discretion to instruct the Hearing Committee to designate a new Committee Chair.

#### **i. Pre-Hearing Submissions**

In addition to the written statements submitted by the parties, the parties will provide the Title IX Coordinator with a list of witnesses they wish the Committee to call, copies of documents, and a description of any other information they propose to present at the hearing at least three business days prior to the hearing.

The Title IX Coordinator will determine whether such witnesses and documents are relevant to the Hearing. The Title IX Coordinator will provide each party with a copy of the list of witnesses and copies of documents or other information submitted by each party.

In the absence of good cause, as determined by the Committee, the parties may not introduce witnesses, documents, or other information at the hearing that were not provided by this deadline.

## **ii. Conduct of the Hearing**

The hearing will take place on the date and time specified in the notice of hearing. If circumstances arise that require a change in the hearing date or time, the School will provide both parties with written notice explaining the reason for such change. The School will arrange for the hearing to be recorded, and may arrange for the preparation of any transcript of the recording that the School deems appropriate.

As a non-adversarial process, the hearing will not follow a courtroom model, and formal rules of evidence will not be observed. The Hearing Committee will determine the order of the witnesses and resolve any questions of procedure arising during the hearing. The School will ask for all necessary witnesses to be present, or to have provided written statements in lieu of attending the hearing. This may be done as necessary to accommodate a witness who cannot be present, or whom the Hearing Committee determines may remain anonymous. The Hearing Committee will review in advance of the hearing all the written materials provided.

Only the Hearing Committee may question the individual parties and any witnesses, unless permission is granted to modify the questioning process. After all witnesses have been questioned, each party may make a closing statement.

In order to comply with the Family Educational Rights and Privacy Act (FERPA) (20 U.S.C. § 1232g; 34 CFR Part 99), and to provide an orderly process for the presentation and consideration of relevant information without undue intimidation or pressure, the hearing process is not open to the general public. Accordingly, the School will not disclose documents prepared in anticipation of the hearing, documents, testimony, or other information introduced at the hearing, and any transcript of the hearing itself may not be disclosed outside of the hearing proceedings, except as may be required or authorized by law and/or School policy.

Both the complainant and the respondent may have advisors present to support and assist them during any meeting, the hearing and appeal stages of the Formal Resolution process. At the complainant's or respondent's request, the Title IX Coordinator will appoint to each party an advisor who has been formally trained. An advisor may not direct questions to the Hearing Committee or witnesses at the hearing, but may consult with the party that he or she is assisting. The Hearing Committee will not allow an advisor's presence to inhibit the parties' sharing of information or the conduct of the hearing.

The parties are expected to cooperate at the hearing. If either party fails to appear at the scheduled hearing, the Hearing Committee may postpone the proceedings if there is a legitimate documented reason for the absence, or proceed and determine the complaint on the basis of the evidence available, provided the absent party was duly notified of the scheduled hearing date.

If the Hearing Committee determines that unresolved issues exist that would be clarified by the presentation of additional information, the Hearing Committee may suspend the hearing and reconvene it in a timely manner to receive such information. A delay may not be based on the failure of witnesses to appear without good cause or on the proposed introduction of documents which were readily available at the time of the hearing.

## **D. Determination**

In all investigations into alleged sexual misconduct, the School will evaluate evidence under a "preponderance of the evidence" standard. A preponderance of the evidence means that information shows it is "more likely



than not” that the respondent violated this policy. The Hearing Committee must decide if the respondent is responsible, not responsible, or whether there is sufficient evidence to make a determination.

The respondent will be found to be responsible for the alleged sexual misconduct if the Hearing Committee concludes, based upon careful review of all information presented, that such sexual misconduct more likely than not occurred. The Hearing Committee shall determine whether the respondent is responsible for sexual misconduct, and will provide a written statement of such determination to the Associate Dean for Academic Affairs. The Hearing Committee’s written report will also be sent to the Associate Dean for Academic Affairs.

### *Complainant and Respondent Impact Statement*

Within three business (3) days of the conclusion of the hearing, both the complainant and respondent will be given access to the record of the hearing and offered an opportunity to provide an impact statement to the Associate Dean for Academic Affairs while he or she is deliberating on the appropriate sanctions. The record of the hearing may not be copied.

The impact statement may be up to five (5) pages single spaced. The impact statement is the students’ opportunity to discuss his or her experience, and the incident in question, as well as respond to how the investigation and hearing was conducted and any areas of agreement or/disagreement with the investigation or hearing, or determination of the Hearing Committee.

This impact statement must be provided to the Title IX Coordinator who will provide it to the opposing party as well and the Associate Dean for Academic Affairs, and all members of the Hearing Committee.

### **XIII. Sanctions**

The Associate Dean for Academic Affairs may consider suspending or expelling any student found responsible for sexual misconduct; however, he or she may impose any of the following sanctions that are determined to be fair and proportionate to the violation:

- Reprimand or warning
- Changing the respondent’s academic schedule
- Disciplinary probation
- Revocation of honors or awards
- Restricting the respondent’s access to School facilities or activities
- Community service
- Issuing a “no-contact” order to the respondent or requiring that such an order remain in place
- Dismissal from or restricting or reassignment of School employment
- Suspension (limited time or indefinite)
- Expulsion

In determining appropriate sanctions, the Associate Dean for Academic Affairs will consider any record of past violations of School policies, as well as the nature and severity of such past violation(s). The Associate Dean for Academic Affairs will consider as part of the deliberations whether the respondent poses a continuing risk to the complainant and/or the School community. Any sanction imposed will be explained and supported in the written decision of the Associate Dean for Academic Affairs.

Within five business days from the determination of the Committee hearing, the Associate Dean for Academic Affairs will issue a determination letter to the respondent and the complainant. Both parties, concurrently, will receive a copy of this determination letter.

The determination letter will contain only the following information: (i) the name of the respondent; (ii) whether the respondent has been found responsible or not responsible for specific violation(s) of the sexual misconduct policy; (iii) a list of the possible sanctions imposed, if any; (iv) the sanctions actually imposed; (v) the rationale for the sanctions imposed, if any; (vi) the School's appeal process; (vii) any change to the results that occur prior to the time that the results become final; and (viii) when the results become final. Both the respondent and the complainant have a right to this information.

If the respondent is found responsible for sexual misconduct that involves a crime required by the Clery Act to be reported by the School, and, as a result, is suspended and or expelled by the School, the School is required by Virginia law to make a notation on the respondent's transcripts in accordance with the School's Transcript Notation Policy.

#### **XIV. Appeal Process**

Either party may appeal the Hearing Committee's determination and/or the disciplinary decision of the Associate Dean for Academic Affairs. A party has three grounds under which to appeal the School's determination: (i) the Hearing Committee committed procedural errors that had an impact on the complaint's decision, (ii) there is new evidence that was not reasonably available at the time of the hearing before the Hearing Committee, or (iii) the sanctions are not consistent with past practices or the severity of the alleged sexual misconduct.

Final sanctions are in effect until any timely appeal of the decision is resolved. The Associate Dean for Academic Affairs may suspend the determination pending exhaustion of appeal, allow the student to attend classes or other activity on a supervised or monitored basis, or make such other modifications to the determination as may be advisable. Interim measures will remain in effect until the appeal is resolved.

The procedure to file an appeal is as follows:

1. A party wishing to appeal the findings of the Hearing Committee and/or sanctions by the Associate Dean for Academic Affairs must file a notice of intent to appeal within five business days of the date the party is notified of the Hearing Committee's finding and the Associate Dean for Academic Affairs' sanctions. The notice of intent to appeal must be submitted in writing (either email or hard-copy) to the Title IX Coordinator. The notice of intent to appeal must contain the party's grounds for the appeal.
2. Within two weeks of filing a notice of intent to appeal, the party's formal appeal must be filed. The party should submit copies of any and all material the party wishes to provide as evidence for his/her appeal.
3. A committee made up of three full-time faculty members ("Appeals Committee"), which shall not include the Associate Dean for Academic Affairs or members of the Hearing Committee, will be assembled by the Title IX Coordinator. Except for appeals brought under (ii) above, the Appeal Committee's entire review process will be based on the party's appeal and the Hearing Committee's record of the case. Otherwise, no additional evidence is allowed and no witnesses may be heard.
4. The Appeals Committee will make a final determination on the appeal. The Appeals Committee shall render its decision regarding the appeal within 20 calendar days of receipt of the appeal, record of the case, and if applicable, any new evidence pursuant to (ii) above.
5. Within three business days of the Appeals Committee's determination, the Associate Dean for Academic Affairs will issue a final determination letter to the respondent and the complainant. Both parties, concurrently, will receive a copy of this final determination letter.

## **XV. Informal Resolution**

A complainant who wishes to file a complaint but who does not wish to pursue Formal Resolution may request a less formal proceeding, known as “Informal Resolution.”

While the Informal Resolution process is not as structured as the Formal Resolution process, it can be an effective and appropriate means to deal with the complaint. The Informal Resolution procedure is not available for complaints of sexual violence.

If the complainant wishes to proceed with Informal Resolution the Title IX Coordinator will ascertain the name of the respondent, and the date, location, and nature of the alleged sexual misconduct, and, within two business days, will schedule an individual intake meeting with the respondent in order to provide him or her with a general understanding of the policy.

The complainant and the respondent each may bring an advisor to the Informal Resolution. Advisors are subject to the same restrictions for advisors in Formal Resolution, as set forth above. The Title IX Coordinator or designee will preside over the Informal Resolution and may elect to be assisted by another member of the senior staff of the School or outside expert.

If, in the course of the Informal Resolution, the respondent admits to violating the School’s Policy and Procedures for Reports of Student Sexual Misconduct, that admission will serve as a finding of responsibility that is final and cannot be appealed. The Associate Dean will recommend one or more sanctions, which the respondent can accept or reject. The sanctions that may be imposed as the result of the Informal Resolution process are the same as those outlined in the Formal Resolution process above. If the Associate Dean for Academic Affairs’ recommended sanction is accepted, the process is concluded. If it is rejected, the complaint will proceed to the Formal Resolution process.

Informal Resolution may result in the imposition of protective actions agreed upon by the parties, or (with or without such agreement) based on information derived from the Informal Resolution taken together with any other relevant information known to the School at the time of the Informal Resolution.

The School may, at any time, elect to end such proceedings and initiate Formal Resolution instead. Statements or disclosures made by the parties in the course of the Informal Resolution may be considered in the Formal Resolution.

## Appendix D Academic Calendars

For 2016 – 2017

First Intersession	May 9-19, 2016
Second Intersession	May 30, 2016 - July 29, 2016
Third Intersession	August 1-11, 2016
Introduction to Law	August 8-12, 2016
Fall Semester Classes Begin	August 15, 2016
Holiday – Labor Day	September 5, 2016
Thanksgiving Break	November 21-25, 2016
Last Class Day	November 28, 2016
Exam Period	November 30- December 9, 2016
Spring Classes Begin	January 9, 2017
Holiday – MLK Day	January 16, 2017
Spring Break	March 6-10, 2017
Last Class Day	April 24, 2017
Exam Period	April 26- May 5, 2017
Commencement	May 6, 2017

Note: Inclement weather days, if needed, will be made up during breaks, weekends, or at the end of the semesters.

For 2017 – 2018

First Intersession	May 8-18, 2017
Second Intersession	May 29 - July 28, 2017
Third Intersession	July 31 – August 10, 2017
Introduction to Law	August 7-10, 2017
Fall Semester Classes Begin	August 14, 2017
Holiday – Labor Day	September 4, 2017
Thanksgiving Break	November 20-24, 2017
Last Class Day	November 27, 2017
Exam Period	November 29 - December 8, 2017
Spring Classes Begin	January 8, 2018
Holiday – MLK Day	January 15, 2018
Spring Break	March 5-9, 2018
Last Class Day	April 23, 2018
Exam Period	April 25- May 4, 2018
Commencement	May 5, 2018

Note: Inclement weather days, if needed, will be made up during breaks, weekends, or at the end of the semesters.